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इस भाग में भिन्न पृष्ठ संलग्न वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(राजा संशोधन को छोड़कर) भारत सरकार के संशोधनों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आवेदनों और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

मंत्रिमंडल अधिकार
(कार्यक्रम और प्रशासनिक सुधार विभाग)
नई दिल्ली, 14 दिसम्बर, 1973

कांग्रेस 3569—दण्ड प्रतिक्रिया संहिता, 1898 (1898 का 5) की
धारा 492 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
केन्द्रीय सरकार, केन्द्रीय जात्र व्यूठों (सामाजिक अपराध स्कंध), दिल्ली ब्रांच
के लोक अधियोजक श्री सी० महाय को विशेष पुस्तिम स्थापना के निम्न-
लिखित मामलों को उनके मामले उल्लिखित विशेष न्यायाधीश या विशेष
मणिस्ट्रेट की अदालत में पैरवी करने के लिये एकत्रित लोक अधियोजक
नियुक्त करती है, अर्थात्—

ब्रांच संख्या	मामले के व्यौद्धे	अदालत वा नाम
1	2	3
1	आर० सी० स० 44/70-दिल्ली, राज्य बनाम विशेष मणिस्ट्रेट, पा० आर० खान तथा गोविंद नायर।	लखनऊ।
2	आर० सी० स० 44/70-दिल्ली, राज्य बनाम कुरु विशेष मणिस्ट्रेट अहमद।	लखनऊ।
3	आर० सी० स० 28-29/72-दिल्ली, राज्य बनाम विशेष मणिस्ट्रेट डॉ० एन० धोप, वाई० आर० अहमद तथा अन्य।	लखनऊ।

- | 1 | 2 | 3 |
|--|----------|---|
| 4. आर० सी० स० 28/72-दिल्ली, राज्य बनाम श्री विशेष न्यायाधीश
एन० धोप तथा वाई० आर० अहमद। | अम्बाला। | |
| 5. आर० सी० स० 29/72-दिल्ली, राज्य बनाम विशेष न्यायाधीश
श्री० एन० धोप तथा वाई० आर० अहमद। | अम्बाला। | |

[मा० 225/95/73 ए० दी० डी० II]

प्रम० काशी पाण्डियन, उप-मणिक

CABINET SECRETARIAT
(Department of Personal & Administrative Reforms)

New Delhi, the 14th December, 1973

S. O. 3569.—In exercise of the powers conferred by
sub-section (1) of section 492 of the Code of Criminal Procedure,
1898 (5 of 1898), the Central Government hereby appoints
Shri C Sahay, Public Persecutor attached to Central Bureau
of Investigation (General Offences Wing), Delhi Branch a
Public Prosecutor to conduct the prosecution of the following
Special Police Establishment cases before the courts of the Spe-

cial Judge or the Special Magistrate, as indicated against each, namely:—

Sl. No.	Particulars of case	Name of the Court
1.	R.C. No. 44/70-Delhi, State Special Magistrate, Lucknow. Vs. A.R. Khan and Govind Nair.	
2.	R.C. No. 44/70-Delhi, State Special Magistrate, Lucknow. Vs. Kung Ahmad.	
3.	R.C. Nos. 28-29/72-Delhi Special Magistrate, Lucknow. State Vs. D.N. Ghosh, Y.R. Ahuja and others.	
4.	R.C. No. 28/72-Delhi, State Special Judge, Ambala. Vs. B.N. Ghosh and Y.R. Ahuja.	
5.	R.C. No. 29/72-Delhi, State Special Judge, Ambala. Vs. B.N. Ghosh and Y.R. Ahuja.	

[No. 225/95/73-AVD. II]

S. KASIPANDIAN, Deputy Secretary

भारत निर्वाचन आयोग

आवेदन

नई दिल्ली, 7 नवम्बर, 1973

का. आ. 3570.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1972 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 140-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अब्दुल मुकीम शाश्वत के पास, भीलवाड़ा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा आपौक्षित अपने निर्वाचन व्यापारों का कोई भी लेखा दाखिल करने में असफल रहे हैं :

आरू, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी हुए असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अब्दुल मुकीम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आवेदन को तारीख से तीन वर्ष की कालावधि के लिए निरर्दित घोषित करता है ।

[सं. राज-पि. स./140/72(10)]

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th November, 1973

S.O. 3570.—Whereas the Election Commission is satisfied that Shri Abdul Muqeem, Near Mahila Ashram, Bhilwara (Rajasthan) a contesting candidate for General Elections to the Rajasthan Legislative Assembly held in 1972 from 140-Bhilwara constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Muqeem to be disqualified for being chosen, as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/140/72 (10)]

आवेदन

का. आ. 3571.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1972 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 161-सिवाना (अ. जा.) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सबीय, ग्राम व ढाकघर कोटडी पाया दुंदाहा, जिला बांझेर (राजस्थान) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा आपौक्षित अपने निर्वाचन व्यापारों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

आरू, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी हुए असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास हुए असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सबीय को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदन को तारीख से तीन वर्ष की कालावधि के लिए निरर्दित घोषित करता है ।

[सं. राज-पि. स./161/72(2)]

ORDER

S.O. 3571.—Whereas the Election Commission is satisfied that Shri Sawiya, Village and Post Office Kotri, Via Dundara, District Barmer (Rajasthan), a contesting candidate for General Elections to the Rajasthan Legislative Assembly held in 1972 from 161-Siwana constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sawiya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/161/72(11)]

आवेदन

नई दिल्ली, 19 नवम्बर, 1973

का. आ. 3572.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 को हुए राजस्थान विधान सभा के लिए निर्वाचन के लिए 136-भलगढ़ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भोपालसिंह छोटा रावला के साथ तहसील राजसमन्वय, जिला उदयपुर, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951

सथा तद्धीन बनाए गए नियमों द्वारा अपर्क्षत अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

आँर, यतः उक्त उम्मीदवार ने, उसे सम्प्रक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास हस असफलता के लिए कोई पर्याप्त कारण वा न्यायान्वित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भांपालसिंह को संसद् के किसी भी सदन के या किसी राज्य की विधानसभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए हस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. राज.-निव. स./136/72(13)]

ORDER

New Delhi, the 19th November, 1973

S.O. 3572.—Whereas the Election Commission is satisfied that Shri Bhopal Singh, Chhota Rawla, Kelwa, Tehsil Rajsamand, District Udaipur, Rajasthan, a contesting candidate for General Elections to the Legislative Assembly held in March, 1972, from 136-Kumbhalgarh constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after the due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhopal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/136/72(13)]

आवेदा

का. आ. 3573.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हर राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 144-बनेडा निर्वाचनक्षेत्र से लक्ष्मीनारायण, पा. आ. हुरडा, जिला भीलवाड़ा, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों क्वारा अपर्क्षत अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

ORDER

S.O. 3573.—Whereas the Election Commission is satisfied that Shri Laxmi Narayan, Post Hurda, District Bhilwara, Rajasthan, a contesting candidate for General Elections to the Rajasthan Legislative Assembly held in March, 1972, from 144-Banera constituency had failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Laxmi Narayan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/144/72(14)]

आवेदा

नई दिल्ली, 24 नवम्बर, 1973

का. आ. 3574.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हर राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 14-लापर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भीखाराम सदस्य, नगरपालिका, छापर, जिला चूरु राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गये नियमों क्वारा अपर्क्षत अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं :

आँर यतः उक्त उम्मीदवार ने, उसे सम्प्रक सूचनाये दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, आँर निर्वाचन आयोग का यह भी समाधान हो गया है कि इसके पास हस असफलता के लिए कोई पर्याप्त कारण वा न्यायान्वित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भीखाराम को संसद् के किसी भी सदन के या किसी राज्य की विधानसभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए हस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. राज.-निव. स./14/72 (15)]

बी. एन. भारद्वाज, सचिव

ORDER

New Delhi, the 24th November, 1973

S.O. 3574.—Whereas the Election Commission is satisfied that Shri Bheekha Ram, Member, Municipal Board,

आवेदन

नई दिल्ली, 19 नवम्बर, 1973

का. आ. 3575.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए निर्वाचन के लिए 35-चौकटपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विश्वनाथ, गाँव तथा डाकघर चकिया वरास्ता पटेड़ी, जिला सारन (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन द्वारा गये नियमों द्वारा अपीक्षित अपने निर्वाचन व्यवस्थाओं का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायान्वित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री विश्वनाथ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. बिहार-वि. स./35/72(34)]

ORDER

New Delhi, the 19th November, 1973

S.O. 3575.—Whereas the Election Commission is satisfied that Shri Bishwanath, village and P. O. Chakia Via Patedhi, District Saran (Bihar) who was a contesting candidate for election to the Bihar Legislative Assembly from 35-Baikunthpur constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bishwanath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/35/72(34)]

नई दिल्ली, 6 दिसम्बर, 1973

का. आ. 3576.—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 13-की उपधारा (1) के उपबन्धों के अनुसार में तथा अपनी अधिसूचना सं. 508/हि. प्र./71, तारीख 25 जनवरी, 1971 को अपीक्षित करते हुए, निर्वाचन आयोग, हिमाचल प्रदेश सरकार के परामर्श से हिमाचल प्रदेश राज्य के प्रत्येक जिले के उपायुक्त का, उस जिले का जिसका कि वह उपायुक्त है, जिला निर्वाचन आयोग के रूप में एक्सारा पदाधिकारीहत करता है।

[सं. 508/हि. प्र./73।
ए. एन. सैन, सचिव]

New Delhi, the 6th December, 1973

S.O. 3576.—In pursuance of the provisions of sub-section (1) of section 13AA of the Representation of the People Act, 1950 and in supersession of its Notification No. 508/HP/71, dated the 25th January, 1971, the Election Commission, in consultation with the Government of Himachal Pradesh, hereby designates the Deputy Commissioner of each of the Districts in the State to be the District Election Officer of the district, of which he is the Deputy Commissioner.

[No. 508/HP/73]

A. N. SEN, Secy.

New Delhi, 17th December, 1973

S.O. 3577.—In pursuance of clause (b) sub-section (2) of section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the order of the Supreme Court of India pronounced on the 28th September, 1973, on an appeal from the Judgment and order dated the 21st January, 1973 of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Election Petition No. 3 of 1971.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1014 of 1972

Laxminarayan and another

Appellants

Versus

Returning Officer and others

Respondents

JUDGMENT

Dwivedi J.,

The appellants, Laxminarayan and Marotrao, filed an election petition challenging the election of Jambuwantrao Dhone to the Lok Sabha from 21 Nagpur Parliamentary Constituency. There were five candidates in the run. Dhone was one. He was elected. The poll was on April 18, 1971. Dhone obtained 1,25,665 votes. The next highest votes were obtained by Rikhabchand Sharma. He polled 1,23,615 votes.

The election was challenged on diverse grounds. There were as many as 13 issues. The record of evidence is voluminous. The Judgment of the High Court runs to 244 pages. The High Court decided all the issues against the appellants. Hence this appeal.

Sri Phadke counsel for the appellants, has not covered the whole ground again; he has confined his arguments to issues 2, 4, 5, 8, and 9. Thus the scope of inquiry is much narrower in the appeal.

Issue No. 2 :

Section 100 of the Representation of the People Act, 1951 (hereinafter called the Act) specifies the grounds on which the election of a returned candidate may be set aside. According to s.100 (1)(d) (iii) the election may be set aside if the result of the election of the returned candidate has been materially affected by the improper reception, refusal or rejection of any vote or the reception of any vote which is void. Section 100(1)(d)(iv) provides that the election may be set aside if the result of the election of the returned candidate has been materially affected by any non-compliance with the provisions of the Constitution or of the act or of the any Rules or Orders made under the Act.

Paragraphs 14, 15 and 16 of the election petition allege facts in respect of this issue. According to paragraph 14, votes were counted in the YMCA Hall on April 19, 1971. There were no proper arrangements for admission of the candidates and their counting agents at the count. A large number of people had entered into the Hall. The counting

was not complete on the said date. There was some counting on the day following, that is on April 20, 1971. The counting when completed revealed that 3,46,093 votes were polled in all. J. B. Dhole received 1,25,665 votes; R. C. Sharma, 1,23,615, 7425 votes were rejected votes.

Paragraph 15 states that at the end of the counting, R. C. Sharma made an application to the Returning Officer claiming recount of votes. The Returning Officer directed that all votes cast in favour of J. B. Dhole and R. C. Sharma as well as all the rejected votes should be recounted. He did not order that the votes of other candidates also should be recounted. Paragraph 16 states that after the recount it was declared that 3,46,079 votes were polled in all. The total of J. B. Dhole came down to 1,25,550; of R. C. Sharma to 1,23,493. The number of rejected votes went up to 7,597.

It is further alleged that the recount showed that 14 votes were missing, that many rejected votes were counted as valid and that there is a difference in the aggregate of different candidates.

Paragraph 15 then sums up : "It is, therefore, clear that the votes have not been properly counted as valid or invalid, without a proper scrutiny required under the law. This has very much materially affected the result of the election. In fact the recount should have been for the entire votes cast in the election."

Paragraph 16 states that it was necessary to count all the votes as there was no proper recount by the Returning Officer. The recount itself shows that many rejected votes were counted as valid and many valid votes were rejected. The tendered votes were not counted and 14 votes were missing.

The plea in paragraph 16 that valid votes have been counted as invalid and invalid votes as valid would not include the plea that many valid votes of R. C. Sharma and other candidates have been counted as valid for Dhole. It was accordingly not necessary to recount the votes of candidates other than Dhole and R. C. Sharma. The recount of the rejected votes and of the votes of these two candidates was enough. The appellants gave an application in the High Court for inspection of all the votes. This application was rejected by an order on November 15, 1971. For the reason already discussed the application was rightly rejected.

Rule 63 of the Conduct of Election Rules, 1961 provides for the recount of votes. According to sub-rule (2) thereof recount of all votes or any part may be claimed on behalf of any candidate. An application should be made on his behalf to the Returning Officer. The application should state the ground on which the recount is claimed. The Returning Officer shall decide the question of recount and make an order either accepting or rejecting the application. The order should set forth the reasons. He may allow the application in whole or in part. The application for recount making the complaint whether the threatened action of the company would be either a lockout or a closure. But the R.L.C. took it that the subject of the industrial dispute was over apprehension of a lockout by the management but not apprehension of a closure. I have already pointed out that by Ext. M14 the management on 25th October, 1972 made it clear to the workmen that it was contemplating closure of its business. I have already pointed out the sequence of dates and the situation developing in between those dates between the contending parties, i.e. situation developing between 23-10-72 to 25-10-72. Then arose the situation on 28th October, 1972 as in Ext. M16. So, either on 26th October, 1972 or before 28th October, 1972, the union might have made a complaint, and the said complaint was "you (management) are threatening to declare lockout/closure of your establishment" vide Ext. M16 and this complaint of threats of lockout/closure either on 28-10-72 or before 28-10-72 had not been lodged by the union representing the workmen or the workmen themselves before the management of the company. Over this threat of lockout/closure A.L.C. initiated conciliation proceedings (Ext. M16).

12. Mr. Sen Gupta for the workmen submitted that the demand by complaint had been lodged before the company before the conciliation proceeding was started. I will come to this submission of Mr. Sen Gupta for the workmen. The

On the allegation contained in the application the Returning Officer could not have ordered recount of all the votes. In our view, the order of the Returning Officer directing recount was not in contravention of Rule 63. The appellants have examined several witnesses in support of the alleged irregularities, but that evidence has not been accepted by the High Court. Nothing has been shown to us for taking a different view. The Returning Officer has been examined by the appellants. He has stated that the count and recount have been done in accordance with the prescribed procedure. He has also explained the apparently missing 14 votes on recount. According to the Returning Officer the discrepancy of 14 votes might be due to the mistake in counting the votes and making them into bundles of 50 each. In the recount they recounted only some of those bundles and not all.

For the reasons discussed above, we accept the finding of the High Court on this issue.

Issue No. 4 :—

Three of four days prior to poll the Nagpur City District Congress Committee published an appeal in the name of Smt. Indira Gandhi to the voters of the constituency for supporting Rikhabchand Sharma. On the left top of this printed appeal there is a photograph of Smt. Indira Gandhi; on the right top there is the picture of a cow and a calf, the symbol of the Congress candidate. On the left bottom there is printed "New Delhi. 8 April, 1971;" on the right bottom appears the signature of Smt. Indira Gandhi. On April 16, 1971 one Satya Narain Sharma issued a statement to the press in respect of this appeal. The next day, that is, April 17, Tarun Bharat, a newspaper published a summary of his statement. The summary states that Satya Narain Sharma has expressed "doubt about the genuineness of the letter by the Prime Minister calling upon the voters to vote for Mr. Rikhabchand Sharma." The summary further states that "there is no seal of the Prime Minister's Secretariat on this letter, nor it is mentioned to whom this letter is addressed." Satya Narain Sharma is also stated to have expressed doubt that the Prime Minister, who has avoided even to mention the name of a candidate, would not have issued a letter in support of him. The election petition states that Satya Narain Sharma was an agent of Dhole and that he issued the statement with the consent of Dhole. The statement was false and was believed to be false by Dhole. It was reasonably calculated to prejudice the prospects of the election of R.C. Sharma. Thus a corrupt practice under s. 123(4) of the Act has been committed. The High Court has held that no such corrupt practice was committed by Dhole. It has held that Satya Narain Sharma did not make a statement of fact. He has expressed an opinion. It has also held that the statement was not false and that it did not relate to the personal character or conduct of R. C. Sharma or to his candidature. It has also held that Satya Narain Sharma did not make this statement with the consent of Dhole. We shall first consider whether the statement was issued by Satya Narain Sharma with the consent of the company. By the notice the company informed all the constituents about the closure and advised them to take necessary action in respect of their documents if any lying in the office of the company. On 3rd November, 1972 the union through its General Secretary addressed a letter to the Assistant Labour Commissioner, Calcutta, Ext. W4. The subject matter of the letter reads as "closure declared illegally by Messrs S. C. Ghose & Co. (India) Private Ltd." In the first paragraph of the letter it is stated that the management has closed down its business on and from 3-11-72 due to illegal stay-in-strike by the workers from 21-10-72. The workers attended their office till 2-11-72 and their salary for the month of October was supposed to be paid on 3-11-72. In the second paragraph of the letter it is stated that the workers did not go on stay-in-strike from 21-10-72 as alleged in the letter. On the contrary about 29 workers were not offered work from 21-10-72 by the management and the reason is best known to them. In the third paragraph, it is alleged that the workers were aggrieved for the ill treatment by the Director to one of their colleagues on 20-10-72, and the workers demanded the Director to express his regret for the incident. The Director refused to do so. Since then the management did not offer any work to the workers. In paragraph 4 of Ext. W4 dated 3-11-72 referring the letter, dated 27-10-72 by the Union to the A.L.C. which is Ext. W3, over the subject, apprehending lockout and/or a closure of Messrs S. C. Ghose & Co. (India) Pvt. Ltd.,

pamphlet. Dhote has emphatically denied that it was document C. According to him, it was document 2R 20. Document C opens with: "I am contesting this Lok Sabha election.....against a corrupt candidate of Congress. The appellants say that this is a false statement relating to the personal character of Rikhabchand Sharma. 2R 20 is an innocuous document. It was printed by the Narkesari Press and it bears the print line of the press. The close question is whether document C or document 2R 20 was published by Dhote. To prove their case, the appellants have examined one witness Prabhakar Sakhardande. He was employed on the relevant date as a printer in the Narkesari Press. He says that document C was printed in the Narkesari Press on Sunday, April 11, 1971. According to him it is printed in mono type. He also says that only the Narkesari Press in Nagpur has a mono-machine. The High Court has not believed him. He is the President of the Rashtriya Press Kamgar Sangh which is affiliated to the Indian National Trade Union Congress. He does not give out the name of the person who printed the document C in the Narkesari Press, nor does he disclose the name of the person who delivered the printed copies to the appropriate authority in the Narkesari Press. Although he admitted in cross-examination that he had not been to any other press in Nagpur, he has said that except the Narkesari Press no other press in Nagpur, has a mono-machine. Evidently, this part of his evidence does not inspire confidence. Not having seen any other press in Nagpur, he could not say that the Narkesari Press alone has got a mono-machine. For these reasons, we find it difficult to place any reliance on his testimony.

Dhote has examined Monohar Bokare in support of his case that the document 2R 20 was published in the Narkesari Press. Monohar Bokare is the Manager of the Job Section of the Narkesari Press. He says that he receives orders from customers, hands over printed material to them, examines and makes bills and prepares quotations for printing jobs. Initially, he was summoned by the appellants as their witness. But later they gave him up. So he was examined by Dhote. He has said that document 2R 20 was published in the Narkesari Press. He produced the original of the document. He has stated that B.N. Gaikwad had given him the original for printing. He has also filed the counter-foil of the bill issued by him in connection with the printing of the document 2R 20. He has denied that the document C was printed in the Narkesari Press. The High Court has believed his evidence. Nothing has been shown to us to enable us to take a different view.

Sri Phadke has made several comments on his evidence. Firstly he has not produced the order book. But he was never asked by the appellants to produce the order book. In cross-examination he simply said that he has not brought the order book. Secondly, while he has said that the printed matter was delivered by him to a boy, B. M. Gaikwad has stated that it was sent for by him through one Doonger, aged about 50 years. This discrepancy is not sufficient to discredit his evidence. He was examined several months after the event. Such a minor mistake is accordingly not unnatural and may be a slip of memory. Thirdly, document C is printed on news print paper. It is said that news print paper is not available in the market and that document C must have been printed in the Narkesari press where Tarun Bharat was also being printed. But there is some evidence on record to show that newsprint paper was available in the open market. That aside, B. M. Gaikwad has stated that the paper for printing document 2R 20 was supplied by him from the stock of paper belonging to his party at Chhindwara from where a weekly organ of his party was being published. Monohar Bokare has deposed that there is an endorsement on the original of 2R 20 that paper was given by the party who got it printed. The endorsement was according to him necessary for the purpose of sale-tax. On his copy of the bill there is an endorsement "not taxable". He has explained that it was necessary to obtain the signature of the customer if the paper was given by the press. Fourthly, the Narkesari Press did not comply with the provisions of s. 127A of the Act in regard to document 2R 20. So it should be held that this document was not published by the Narkesari Press. Section 127A(2) provides that no person shall print or cause to be printed any election pamphlet or poster—(1) unless declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and (2) unless, within a reasonable time

after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, if printed in the capital of the State to the Chief electoral Officer and in any other case to the District Magistrate of the District in which it is printed." Monohar Bokare has admitted in cross-examination that he has neither obtained a declaration from B. M. Gaikwad, nor has he sent a copy of the document 2R 20 to the District Magistrate, Nagpur. This is unsatisfactory cross-examination. Manohar Bokare should have been also asked if he had any explanation for those omissions. The omissions might have been of some assistance to the appellants if Bokare could not give a proper explanation. The possibility of a good explanation cannot be ruled out. Fifthly, he could not give the exact date of the printing of 2R 20. But he has said that no record of the date of printing is maintained by him. We agree with the High Court that no adverse inference can be drawn from these breaches of law. Lastly, Dhote, has admitted that the diction of the document C resembles his own. It would show that he has published this document. This criticism has little force. Dhote has also said that he has made numerous speeches in the course of his election. So it was quite easy to pick out words and phrases from his speeches and exploit them in the document C.

Now, the case of the appellants is that the document C was printed. The case of Dhote is that 2R 20 was printed. It is significant that it is not the case of the appellants that two documents were published at one and the same time, one innocuous and the other offending. This has an important bearing on probabilities. It is highly improbable that a candidate would publish an offending document and show the expenses incurred on its printing in his return of election expenses.

The appellant have examined several witnesses to prove the distribution of the document C during the election. The High Court has disbelieved those witnesses. It has held that from their demeanor they appear to be tutored witnesses. Their evidence has not been pressed in service before us on behalf of the appellants. So we do not deal with it.

Issue No. 8 :—

This is the crucial issue in the appeal. The appellants' case is that Pundalik Masurkar and Satya Narain Sharma had delivered speeches in three meetings during the election. Those meetings were held on March, 29 and 30, 1971, and April 7, 1971. They were held respectively at Navi Mangalwari Ganji Peth and Maska Sath. By their speeches they have committed the corrupt practice specified in S 123 (4) of the Act. They committed the corrupt practice with the consent of Dhote. Dhote, it is alleged delivered speeches in the said meetings as well as in the meetings in Chamber Nala and Kasturchand Park. The meetings in the latter two places were held on April 14 and 15, 1971. By his speeches he also has committed the aforesaid corrupt practice. The High Court has recovered these findings on this issue: (1) the appellants have failed to prove that Dhote made any offending statements in the aforesaid meetings; (2) they have also failed to prove that Pundalik Masurkar and Satya Narain Sharma made any offending statements in the aforesaid meetings; (3) they have also failed to prove that Pundalik Masurkar and Satya Narain Sharma made any offending statements in those meetings with the consent of Dhote. It has further held that they have failed to prove that the statements attributed to Dhote, Pundalik Masurkar and Satya Narain Sharma constituted the corrupt practice specified in s. 123(4) of the Act.

The ground of challenge in the petition is one covered by s. 100(1)(b) and not s. 100(1)(d). So we shall first examine the evidence to find out whether Pundalik Masurkar and Satya Narain Sharma made the allegedly offending statements with the consent of Dhote. If his consent is not proved, it will not be necessary to examine the other aspects of this part of the issue.

Navi Mangalwari Meeting : 29-3-1971 :

The appellants have examined Marot Rao, Ishwar Giril, Shankar Laxman and Manohar Kashinath Kalankar. Dhote has examined himself, Pundalik Masurkar and Satya Narain Sharma.

According to Ishwar Giri, Dhote was not present in the meeting while Pundalik Masurkar and Satya Narain Sharma were speaking. Dhote came to the meeting just five minutes before the end of Satya Narain Sharma's speech. Marto Rao and Shankar Laxman say nothing about the presence of Dhote during the speeches of Pundalik Masurkar and Satya Narain Sharma. Manohar Kashinath Kalankar is the C.I.D. shorthand writer. He says that he was present in the meeting and he took down the notes of speeches of various speakers including the aforesaid two speakers. He says that he remembers that Dhote was present in the meeting from the very beginning. But there is no note to that effect in his note-book. It will accordingly be not safe to depend on his memory, especially when Ishwar Giri contradicts him. Pundalik Masurkar has said that Dhote was not present while he was speaking. Dhote has said that he was not present when Pundalik Masurkar and Satya Narain Sharma delivered their speeches. He arrived in the meeting just when Satya Narain Sharma was finishing his speech. He has further said that Pundalik Masurkar and Satya Narain Sharma had spoken in the meeting without his knowledge and consent. He has said that it was not his business to arrange election meetings and to invite speakers. His election office used to attend to these matters. His workers used to take him to various meetings without any prior information of the meetings on his part. Satya Narain Sharma has said that he did not report to any one the contents of his speeches. He has also said that B. M. Gaikwad, the election agent of Dhote, used to invite him to speak in the meetings held in support of Dhote. This is the entire evidence on the question of consent. This evidence would show that Dhote was not present in the meeting when Pundalik Masurkar and Satya Narain Sharma were speaking. He had no prior knowledge of the fact that they would speak in the meeting. He had not invited them to the meeting. He denies his consent to their speeches. There is no direct evidence of consent from the side of the appellants. It is not possible to infer constructive consent from the foregoing facts and circumstances.

Ganji Peth Meeting : 30-3-1971 :

The appellants have examined Manohar Kashinath Kalankar, Shesh Rao Kamble, another C.I.P. shorthand writer, Mohd. Yakub Qamar and Dr. Ram Narain. Dhote has examined himself and Satya Narain Sharma. There is no direct evidence of consent. Mohd. Yakub Qamar and Dr. Ram Narain say nothing about the presence of Dhote while Satya Narain Sharma was speaking. Manohar Kashinath Kalankar said that he remembers that Dhote was present in the meeting from the very beginning. Shesh Rao, refreshing his memory from his notes, said that his notes show that Dhote was welcomed and "therefore I say he was present from the very beginning." The note book of Manohar Kashinath Kalankar does not record that Dhote was present from the very beginning. It will not be safe to reply on his memory. It is true that Shesh Rao has noted in his note book that Dhote was welcomed. But from this fact it does not necessarily follow that he was present from the very beginning. He could be welcomed whenever he arrived in the meeting. Dhote has said that when he reached the meeting, Satya Narain Sharma was 'half way through his speech'. But we do not know when Satya Narain Sharma made the allegedly offending remarks in the course of his speech. It cannot therefore be said that those remarks were made in the presence of Dhote. So we agree with the High Court that the appellants have failed to prove that Dhote had given his consent to the speech of Satya Narain Sharma in this meeting.

Maska Sath Meeting : 7-4-1971 :

The witnesses of the appellants for this meeting are Manohar Kashinath Kalankar, Shesh Rao Kamble, Manohar Tajane, Yadao Shirpurkar and Marot Rao. Dhote has examined himself and Satya Narain Sharma. Manohar Kashinath Kalankar and Shesh Rao Kamble are the C.I.D. Shorthand writers. The appellants' witnesses have deposed that offending speeches were delivered by Dhote and Satya Narain Sharma. According to Manohar Kashinath Kalankar, Gunawant Nagpur had spoken before Satya Narain Sharma. He says that Dhote arrived in the meeting while Gunawant

Nagpur was speaking and that Gunawant Nagpur continued speaking after his arrival. He also says that he has made a note about Dhote's arrival while Gunawant Nagpur was speaking in his note-book. He has produced his note-book. It begins with the speech of Chandrabhan Bodkar. The speech is written in shorthand. Two-third of the page is covered by the speech of Chanrabhan Bodkar, and over the remaining seven lines of the page no speech is recorded. The speech of Satya Narain Sharma is taken down in shorthand on the next page. The contents recorded over seven lines of the preceding page are these :

"Kamal Kishore Upadhyaya	Something in short-hand
Gunwant Nagpur (F. B.) 1/2	
Sri J. B. Dhote arrived.	
Sri Nagpur Continued speaking."	

There is absolutely no difference in the ink of the note of the speeches of Chandrabhan Bodkar and Satya Narain Sharma. But the ink of the aforesaid quoted lines written in English is visibly different. This difference is suggestive of later interpolation of the aforesaid quoted lines, the purpose being to prove the presence of Dhote during Satya Narain Sharma's speech and his implied consent to that speech. It may, however, be observed that Manohar Kashinath Kalankar was not cross-examined by Dhote on the difference in ink. However, suspicious the entry of the aforesaid lines may be, we are reluctant to draw any adverse inference in ink for Manohar Kashinath Kalankar from the difference in ink for want of cross-examination. But in view of certain other circumstances we do not think it safe of rely on the aforesaid note in his note book. One, Shesh Rao Kambale, another C.I.D. shorthand writer, was also present in the meeting. He has taken down in shorthand the speeches of Kamal Kishore Upadhyaya, Gunwant Nagpure, Keshav Rao Gadekar and Dhote. He has not deposed that Dhote arrived in the meeting while Gunawant Nagpur was speaking. Two, Manohar Kashinath Kalankar seems to us to be anxious to help the cause of the defeated congress candidate, R. C. Sharma. As regards the meetings held at Nawi Mangalwari and Ganji Peth, he has deposed from memory that Dhote was present from the very beginning of those meetings. It may be observed that he has made no such note in his note-book. We have already held that Dhote arrived in those meetings when Satya Narain Sharma was about to finish his speech. We have disbelieved his statement made from memory. It seems to us that he has ventured to sneak 'from memory' in order to help the appellants and R.C. Sharma. Third, Manohar Tajane, Shesh Rao Kamble and marot Rao say nothing in their evidence about the presence of Dhote during the speech of Gunawant Nagpur and Satya Narain Sharma. Marot Rao is one of the appellants in this appeal. The note alleged to have been made by Manohar Kashinath Kalankar in his note-book does not get support from their testimony. Fourth, Yadao Shirpurkar said that Dhote was present when Satya Narain Sharma was speaking. The High Court has disbelieved him. We see no reason to differ with the High Court. He has admitted that he was the Vice-President of the Nagpur City Congress Committee. He has also admitted that he has canvassed and given speeches in support of R. C. Sharma. He has distributed cards for R. C. Sharma, He was R. C. Sharma's counting agent also. He is thus a partisan witness. The High Court has made an adverse note about his demeanor. He is unable to explain his presence in the meeting, for his evidence shows that he had no prior information of the meeting. Although he was very closely connected with the election campaign of R. C. Sharma, he admits that he informed neither the Congress Election Office nor R. C. Sharma of the offending speeches of Dhote and Satya Narain Sharma. According to him he and Manohar Tajane went together to the meeting. He further says that when Satya Narain Sharma finished his speech, both of them were away to Itwari Chowk for about 1 1/2 hours for taking tea. When both of them returned to the meeting, Dhote was speaking. Manohar Tajane does not support him there. According to him, he did not go with Yadao Shirpurkar to Itwari Chowk. They parted company after the end of Satya Narain Sharma's speech. Yadao Shirpurkar betrays a tendency of giving evasive answers to awkward questions in cross-examination by merely saying "I do not remember." For all these reasons, we are not inclined to place reliance on his evidence.

In his cross-examination Satya Narain Sharma has stated that he arrived at the meeting when Kesho Rao Gadekar was speaking. He further said that Dhote spoke after him. He was not asked as to whether Dhote was present in the meeting when he arrived or while he was speaking. In his examination-in-chief Dhote stated that he reached the meeting after the speech of Satya Narain Sharma. In his cross-examination he stated that he generally arrived in the meetings at the end as several meetings were addressed by him every day. He further stated that he did not remember whether Gunawant Nagpur spoke in this meeting. He was not specifically asked whether it was a fact that he arrived at the meeting when Gunawant Nagpure was speaking. It may also be observed that the appellants did not come forward with a positive case in their petition that Dhote was present during the speech of Satya Narain Sharma and that he did not protest against the allegedly offending statements of Satya Narain Sharma. This lack of a positive statement is a characteristic of the appellant's allegation of consent in respect of all the meetings discussed earlier. In the circumstances of this case and for the reasons already discussed we think that the High Court has rightly held that the appellants have failed to prove the consent of Dhote to the speech of Satya Narain Sharma in this meeting.

The Case against Dhote.

We shall now examine the appellant's evidence against Dhote. The High Court has elaborately discussed and commented upon their evidence. As we are in agreement with the High Court, we shall indicate only the salient features of the evidence.

Nawi Mangalwari Meeting : 29-3-1971.

It is alleged in paragraph 23(a) of the election petition that Satya Narain Sharma and Pundlik Masurkar said that Rikhabchand Sharma "is a man having no character and is a smuggler of gold". Satya Narain Sharma, it is alleged, also said that Rikhabchand Sharma "has taken a bribe of Rs. 5 lakhs from powerloom owners and, therefore, the recommendations of Ashok Mehta Committee to the effect that the coloured saris should not be printed on powerloom has not been given effect to." "It is further that Dhote also made personal attack on Shri Sharma saying that he has no character."

In his written statement Dhote has admitted that he had spoken in the meeting. But he said that he made no adverse remarks against Rikhabchand Sharma.

To prove their case, the appellants examined Marot Rao (one of them), Ishwargiri, Shankar Laxman Nandankar and Manohar Kashinath Kalankar. We shall discuss the evidence of the last witness at a later stage and under the general heading of police witnesses. For the present. We shall confine ourselves to the evidence of the remaining witnesses.

As regards Marot Rao, the High Court says that his evidence is not reliable. The High Court has further remarked that counsel for the appellants did not rely on his evidence. According to the High Court, Ishwar Giri did not attend the meeting and has given a tortured version. Shankar Laxman Nandankar was a chance witness and is not believed by the High Court. Counsel for the appellants has not been able to show us that the High Court is wrong in the appraisal of the evidence of the aforesaid witnesses.

Marot Rao is an appellant in this case. He is an interested witness. He is also an omnibus witness. He claims to have been present not only in this meeting but also in the Ganji peth and Kasturchand park meetings. Admittedly, he did not take down notes of the speeches. His evidence does not completely correspond to the pleadings in paragraph 23(a). In his evidence he says that Pundlik Masurkar called him a smuggler of gold. In his evidence he says that Satya Narain Sharma said that Rikhabchand Sharma has received Rs. 5 lakhs from powerloom owners, and that he was a man of no character.

Ishwar Giri, is a chance witness. He has admitted that in his life he has never attended any meeting except this meeting. He pretended to have an excellent memory. But a vigo-

rous cross-examination as shattered his tall claim, and has shown that he is a man of short memory. He has admitted that he did not take notes of the speeches in the meeting. According to him, Pundlik Masurkar said that Rikhabchand Sharma was carrying on smuggling business and was corrupt. Satya Narain Sharma said that when the Bunker Sena made a statement on the production of coloured saris on power loom, the Maharashtra Government "hung up the Ashok Mehta Committee Report on a Peg". Rikhabchand Sharma was "a leader of the people who manufacture illicit liquor in Nagpur and who run gambling dens in Nagpur". Dhote said that corrupt and characterless Rikhabchand Sharma was talking of purchasing poor people. Corrupt and characterless Sharma has committed the political murder "of my friend Deoghare". Corrupt Sharma has secured 500 powerlooms for the Moslems. He has taken Rs. 5 lakhs from them and he has distributed that amount lavishly for election purposes. He runs distillation centres, gambling dens and brothels in Nagpur. Obviously he is making preceptible improvements on the pleadings in paragraph 23(a) of the petition.

Shanker Laxman Nandankar also is a chance witness. Nawi Mangalwari is three miles from his house. He says that he went to the house of this aunt's son who is living there because he was called by the latter to his house. But for this explanation he would not have been present in the meeting. Admittedly, he did not take down notes of the speeches. Although several speakers spoke in the meeting, he does not remember the speeches of the speakers other than Dhote, Pundlik Masurkar and Satya Narain Sharma. According to him, Pundlik Masurkar said that Rikhabchand Sharma was selling land which he had purchased during his Mayoralty of the Nagpur City Corporation and using that money for election. He also said that Rikhabchand Sharma was carrying on 'smuggling business'. Satya Narain Sharma said that Rikhabchand Sharma was a corrupt man and that he 'had taken money from powerloom owners and was utilising that money for elections. He also said that Rikhabchand Sharma carried on 'Smuggling business' and that he was a corrupt and characterless man. Dhote said that Rikhabchand Sharma was a corrupt man. While paragraph 23(a) of the petition alleges that Rikhabchand Sharma was called a man of no character, he says that Rikhabchand Sharma was also spoken of as a corrupt man. He makes other variations and omissions from the pleadings in his evidence.

Having regard to the foregoing discussion, we agree with the High Court that it will not be safe to rely upon the evidence of these witnesses.

Ganji Peth : 30-3-1971.

Paragraph 23(d) of the petition alleges that Satya Narain Sharma and Dhote spoke in this meeting. Satya Narain Sharma said that Rikhabchand Sharma "is a supporter of gundas and gangs involved in smuggling." Dhote said that Rikhabchand Sharma "is trying to purchase votes by money." He also said that Rikhabchand Sharma "is a corrupt man and in fact Rikhabchand Sharma is the name corruption." The appellants examined three witnesses, Marot Rao (one of them), Mohd. Yakub Qamar and Dr. Ram Narain. The High Court has not relied upon the evidence of Marot Rao. Regarding Mohd. Yakub Qamar, it has held that he did not attend the meeting. Dr. Ram Narain, according to the High Court, has given false evidence.

We have already rejected the testimony of Marot Rao in regard to Nawi Mangalwari meeting. Obviously, there is variance between the pleading and his evidence in regard to the speeches of Satya Narain Sharma and Dhote. Mohd. Yakub Qamar seems to have a grouse against Dhote. He is the Chairman of the powerloom society. He has admitted that Dhote led an agitation against the production of coloured saris on powerlooms and that powerloom society was opposed to the agitation. He was a Congress candidate for the Nagpur Corporation in the elections held in 1959, 1962 and 1969. He is an 'active' member of the Congress. He has admitted that he did not take notes of the speeches in the meeting. He has also admitted that he did not inform anybody about the speeches in the meeting; he did not inform even the Congress Election Office. With his interest in the Congress candidate, it is difficult to believe that if Satya Narain

Sharma and Dhote had made objectionable speeches, he would have failed to inform Rikhabchand Sharma or the Congress Election Office. He is a man of weak memory. He could not reproduce the speech of Satya Narain Sharma which he had repeated, earlier in his evidence. He could not explain as to how the appellants came to know that he was present in the meeting. There is variance between the pleading and his evidence as regards the speeches of Satya Narain Sharma and Dhote. According to him, Satya Narain Sharma said that Rikhabchand Sharma was the protector of the goondas and that he arranged for regular payments to be made to the police by persons who maintained gambling dens and that he also indulged in smuggling gold. Dhote, according to him, said that Rikhabchand Sharma was a Brashtachari (corrupt).

Dr. Ram Narain has appeared as a witness for Rikhabchand Sharma. He was the counting agent of Rikhabchand Sharma and was in the hall where counting was done from 8.00 a.m. to 10.00 p.m. He was a Congress candidate in the Nagpur Corporation election, in 1969. He is an 'active' member of the Congress. So, he is highly interested witness. He has admitted that he did not inform Rikhabchand Sharma and the appellants about his presence in the meeting. Having regard to his interest in Rikhabchand Sharma, it is difficult to believe that if any objectionable speeches had been made in the meeting by Satya Narain Sharma and Dhote, he would have failed to inform Rikhabchand Sharma of the offending speeches. There is variance between the pleading and his evidence in regard to their speeches. According to him, Satya Narain Sharma and Dhote both said that Rikhabchand Sharma "was arranging regular payment to the police, that he was siding with the goondas and that he carried on smuggling business." They also said that he was a corrupt and discredited man. He also said that Dhote asked a question "whose name was Brashtachari and himself answered by saying that Congresscha nam Brashtachari (Congress is corrupt). He also said that the Congress men were Haram Khor (bad living) and they purchased votes with tainted money. He further said that Rikhabchand Sharma was a Brashtachari (corrupt)."

In view of the foregoing discussion, we are in agreement with the High Court that no reliance can be placed on the evidence of these witnesses.

Maska Sath—7-4-1971 :

The appellants examined two witnesses, Manbhar Tajane and Yadao Shirpurkar. The High Court has held that the former is a tutored witness and the latter is not reliable.

There is variance between the pleading and the evidence of Manohar Tajane. He also tried to improve on the pleading. Paragraph 23(c) of the petition alleges that Satya Narain Sharma said that Rikhabchand Sharma "is a man of no character." Dhote said that "the fight is between corruption and purity represented by him and corruption by respondent No. 3." According to Manohar Tajane Satya Narain Sharma said that Rikhabchand Sharma "is corrupt and deals in smuggling of gold." He also said that Rikhabchand Sharma was "characterless and is a protector or people who are dealing in liquor, ganja, satta and gambling." According to him, Dhote said that "it is a fight between" corruption and characterless and purity and good character. "On one side there is corrupt Sharma, on the other good character and purity."

Yadao Rao Shirpurkar, as discussed earlier, is highly interested in Rikhabchand Sharma. His evidence suffers from the same infirmities as that of Manohar Tajane. The High Court did not rely on their testimony, and so do we.

Chamar Nala 14-4-1971 :

The appellants examined Laxminarayan Ganjli (one of them) and Shankerlal. The High Court says that the evidence of the former is thoroughly unreliable and counsel for the appellants did not refer to his evidence at all. Shankerlal, the High Court has found, did not attend the meeting. Laxminarayan is one of the appellants. He is accordingly an interested witness. Admittedly, he took no notes of the speech. Although he says that both the

appellants gave information to the lawyer who drafted their election petition, he did not inform the lawyer about his presence in the meeting and about the offending speech delivered by Dhote. He makes improvement upon the pleading. Paragraph 23(d) of the petition alleges that Dhote said that Rikhabchand Sharma "is a corrupt man supported by corrupt Naik Government." In his evidence, he says that Dhote said that Rikhabchand Sharma has become rich by indulging in corruption and black-market. Rikhabchand Sharma was trying to purchase votes by money. A corrupt man like Rikhabchand Sharma would not usher in the socialist society. He was the symbol of the sin in the city of Nagpur.

Shankerlal could not tell the name of the President of the meeting. Admittedly, he took no notes of the speech. He also admits that he did not tell any body of his presence in the meeting. He also makes improvement upon the pleading. According to him, Dhote said that Rikhabchand Sharma was a Brashtachari and that all his money was earned by corruption. He also said "Ye Rikhabchand Sharma earns money by corruption."

We agree with the High Court that it is not safe to rely upon the evidence of these witnesses.

Kasturchand Park—15-4-1971 :

The appellants have examined Marot Rao (one of them) Janaklal and Namdeo Rao. The High Court held that Marot Rao was not present in the meeting and is an unreliable witness. It has also held that Namdeo Rao is an interested witness and that he did not attend the meeting. Janaklal's evidence is not helpful to the appellant's case. According to him, Dhote delivered an innocuous speech. It has found that Namdeo Rao is an interested witness and was not present in the meeting.

Marot Rao, being an appellant, is an interested witness. The dais in the meeting was improvised on a truck which had been used in the procession taken out before the meeting. But he did not say that the dais was improvised on a truck. He improved upon the pleading. We have already rejected his evidence in regard to other meetings.

Janaklal also could not say that the dais was improvised on a truck. He is a chance witness. Moreover, according to him, Dhote simply said that "he did not want to say anything about Sri Sharma that they would learn about him after reading Gram Sewark." This evidence does not attribute to Dhote any statement of fact which would fall within the grip of section 123(4).

Namdeo Rao is an interested witness. He is a member of the Congress which has set up Rikhabchand Sharma as a candidate. He was Rikhabchand Sharma's counting agent in the election. He did not inform anyone about the speech of Dhote. It is difficult to believe that if Dhote had in fact made any objectionable remarks he would have failed to inform Rikhabchand Sharma. He has improved upon the pleading. Paragraph 23(e) alleges that Dhote said that Rikhabchand Sharma "is corrupt." According to his evidence, Dhote said that Rikhabchand Sharma was a corrupt man and has no character. He also said that Rikhabchand Sharma was dealing in illicit liquor and was running brothels and was a smuggler of gold. There is one curious thing about him. While according to Janaklal Dhote said that "he did not want to say anything about Sri Sharma and that they would learn about him after reading Gram Sewak," he says that Dhote first said that he did not want to speak anything about Sri Rikhabchand Sharma and that the audience knew about the work of Rikhabchand Sharma. Thereafter he says that Dhote further made the aforesaid false statement regarding the character of Rikhabchand Sharma. Thus he seeks to reconcile his statement to that of Janaklal.

Like the High Court, we are unable to rely on the evidence of these witnesses.

Police witnesses :

We shall now consider the evidence of the two C.I.D. Shorthand writers, Manohar Kashinath Kalankar and Shesh Rao Kambale.

Manohar Kashinath Kalankar was it is said that present in the Nawi Mangalwari, Ganji Peth, Maskal Sath, Chamar Nala and Kashturchand Park meetings. Shesh Rao Kambale was present in the Ganji Peth, Maskal Sath, Chamar Nala and Kasturchand Park meetings. One of the other of them took down the notes of the speeches of Pandulik Masurkar, Satya Narain Sharma, Dhote and other speakers. The notes were taken down in shorthand except in the case of Dhote's speech in the Nawi Mangalwari meeting. That speech was taken down in long hand in Marathi by Manohar Kashinath Kalankar. The transcribed note of speeches recorded by Manohar Kashinath Kalankar at the Nawi Mangalwari are Ex. 70, at Ganji Peth, Ex. 71, at Maskal Sath Ex. 72, at Chamar Nala Chowk, Ex. 73. The transcribed notes of speeches recorded by Shesh Rao Kambale in the meeting at Ganji Peth are marked Ex. 79 and at Maskal Sath, Ex. 80. The transcribed notes of the speech of Dhote is the Kasturchand Park meeting are marked Ex. 81. It appears that the High Court was not sure that the speeches have been correctly recorded in the note-books. The High Court has also found that they were "too ready and willing to help the petitioners," and it will not be safe to rely on their testimony. Three preliminary questions arise for our consideration: (1) the scope of appellate review in this case, (2) the admissibility of notes of speeches recorded by the aforesaid witnesses and (3) their credibility.

Scope of appellate review :

Section 116A of the Act provides for an appeal to this Court from an order of the High Court dismissing an election petition. The appeal lies both on issues of law and of facts. Section 116C applies the Code of Civil Procedure as nearly as possible. Hence the present appeal is in the nature of a first appeal under that Code. The power of the appellate Court is very wide. It can reappraise the evidence and reverse the trial courts findings of fact. But like any other power, it is not unconfined: it is subject to certain inherent limitations in relation to a conclusion of fact. While the trial court has not only read the evidence of witnesses on record but has also read their evidence in their faces, looks and manners, the appellate Court is confined to their evidence on record. Accordingly "the view of the trial judge as to where credibility lies is entitled to great weight." (See Saravecraswami Vs. Talluri) (1) However, the appellate court may interfere with a finding of fact if the trial court is shown to have overlooked any material feature in the evidence of a witness or if the balance of probabilities as to the credibility of the witness is inclined against the opinion of the trial court, (See Sarujperchad v. Raja Jwaleshwari Pratap Narain Singh). (2) This limitation on the power of the appellate court in a first appeal from decree, on principle, will also apply to an election appeal under section 116A. It has been so extended by this Court. Whether we should believe the witnesses or not involves how far we should enter into facts. "No doubt, an appeal before this Court under S. 116A is an appeal... on facts and law; still the practice of the courts has uniformly been to give the greatest assurance to the assessment of evidence made by the Judge who hears the witnesses and watches their demeanour and judges of their credibility in the first instance. In an appeal the burden is on the appellant to prove how the Judgment under appeal is wrong. To establish this he must do something more than merely ask for a reassessment of the evidence. He must show wherein the assessment has gone wrong." (See Narbada Prasad v. Chhaganlal). (3) It should also be borne in mind that in the instant case the High Court has held Dhote not guilty of the alleged corrupt practice which is a quasi-criminal charge. This Court should be slow to disagree with the findings of the High Court based on appreciation of evidence. (D. P. Misra vs. Kamal Narain Sharma). (4) The appellants should put their case within the scope of this limited review; otherwise they should not succeed.

Council for the appellants point out that in **Reddiar** (Supra) and **Virendra Kumar Saklecha V. Jagjivan** (5) this Court has

1. A.I.R. 1949 P.C. 32.

2. (1950) S.C.R. 781 at p. 784 per Mukherjea J.

3. (1969) 1. S.C.R. 499 at p. 504 by Hidayatullah C.J.

4. (1971) 3 S.C.R. 257 at p. 261 per Shah J.

5. (1971) 1. S.C.C. 826.

reappraised evidence and reversed findings of facts relating to corrupt practice recorded by the High Court. **Reddiar** (Supra) is plainly distinguishable from the present case. We have earlier referred to this case. The oral evidence in the case was corroborated by "unimpeachable documentary evidence" of applications to police for permission to hold meetings and by police reports of speeches delivered in the meetings. As regards the reports of speeches the Court said that the police witnesses were "not shown to be inimically disposed towards the respondent or his party". **Sakalcha** is indeed against the appellants. There the High Court had believed the oral evidence in proof of corrupt practices. This Court, on a reappraisal of the evidence, came to the reassuring conclusion that the witnesses "were all prepared on the same pattern of evidence." In the present case the High Court has recorded a similar finding. **Admissibility of their evidence :**

Counsel for Dhote has submitted that their evidence is inadmissible. In this connection it will be necessary to refer to ss. 159, 160 and 161 of the Indian Evidence Act.

"S.159. A witness may, while under examination refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

"Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document :

Provided the Court be satisfied that there is sufficient reason for the non-production of the original :

"S-160. A witness may also testify to facts mentioned in any such document as is mentioned in section 159, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document. (emphasis added)

"S-161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon."

There are thus three conditions for admitting their evidence. The first condition is that the notes must have been taken down by them as and when the speeches were being delivered or so soon afterwards that the speeches were fresh in their memory. The second condition is that the witnesses must be sure that the speeches have been correctly recorded by them. The third condition is that the notes must be produced and shown to the adverse party if he requires them. Such party may cross-examine them if he so desires.

It does not appear to have been the case of Dhote that the witnesses were not present in the meeting except in which the offending speeches were delivered. The witnesses have stated that they took down the notes of the speeches as and when they were being delivered. Accordingly, the first condition is satisfied. Counsel for Dhote says that the third condition was not satisfied. The transcribed notes of the speeches were given to Dhote on demand and he has cross-examined the witnesses. But counsel says that the notes of speeches are in short-hand which Dote cannot decipher at all. According to him, the notes must have been recorded in the language which can be understood by the adverse party. We are unable to appreciate this extreme contention. It means that the rolls of a speech recorded in Bengali or Oriya will be inadmissible if the adverse party is ignorant of that script and language. Not any uniform rational principle, but the literacy and multi-linguality of the adverse party will determine the admissibility of document. This interpretation of s.161 is absurd as well as impracticable. The Evidence Act itself furnishes cogent evidence against this interpretation. According to s. 98, evidence may be

given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local and provincial expressions, of abbreviations, and of words used in peculiar sense. Under s. 162, where a witness asked to produce a document in Court, objects to its production, the Court shall decide on such objection. For this purpose the Court may inspect the document, unless it refers to matters of State. The Court may get the document translated if it cannot read the original. Notes in short-hand may be said to be in 'not commonly intelligible characters' and 'abbreviations' under s. 98. Evidence can be given to show their meaning. It is a matter of every day experience that commercial documents recorded in mahajani are admitted in the civil courts. Claims are even founded on those documents. We go by English translations of documents on record. So we reject this argument.

However, the note of the speech taken down by Manohar Kashinath Kalankar in the Nawi Mangalwari meeting is inadmissible under s. 160. The relevant extract from his notes of Dhote's speech is this: "Brashtachari Sharma is speaking the language of purchasing poor people....at the time of election (you) will get note (money) but for the movement I am willing to shed my blood." In his examination-in-chief Kalankar has deposed that the extract was correctly recorded by him while Dhote was speaking. But in his cross-examination he has made this admission: "It is possible that if the speaker had said: 'Brashtachari Congresscha Sharma' a word might have been missed. Now, I say that the word 'Congresscha' might have been missed." Now there is a world of difference between "Brashtachari Sharma" and "Brashtachari Congresscha Sharma". The former means 'fallen-conduct Sharma'; the latter means 'Sharma of the fallen-conduct Congress'. If Dhote had really said "Brashtachari Congresscha Sharma" it would not amount to a corrupt practice. This admission of Kalankar in his cross-examination casts doubt on the accuracy of his recording of Dhote's speech in this meeting.

Two other circumstances also enhance our doubt. Admittedly, Dhote spoke in Marathi. Kalankar is not a Marathi short-hand writer. So he says that he took down the speech of Dhote in long hand in Marathi. It is quite possible that in the long hand recording of a speech some words might be missed by the reporter. Again, while the election petition alleges that in this meeting Dhote said only that Rikhabchand was a 'Characterless man' (Charitrahin), in the aforesaid extract the charges are of Rikhabchand Sharma being of fallen-conduct and of the electors getting money in the election. On account of all these circumstances, we are not sure that the extract is a correct recording of the speech of Dhote. Hence we will exclude from consideration the aforesaid extract as being inadmissible in evidence.

Counsel for the appellant has referred us to **Kanti Prasad Jaya-Shankar Yagnik vs. Purshottamdas Ranchhoddas Patel⁽⁶⁾ and P. C. Purchothama Reddiar vs. S. Perumel⁽⁷⁾**. These cases do not help him. In the former case, the police reporters who took down the speeches of Shanbhoo Maharaj had stated that they had correctly recorded the speeches. Nothing was elicited from their cross-examination to cast doubt on their asserted correct recording of the speeches. The High Court believed the police witnesses and this Court affirmed the view of the High Court. In the latter case, the police reports of speeches were not cited for the purpose of proving the commission of any corrupt practice. They were cited merely to prove that the returned candidate had held certain meetings, the expenses of which he had not shown in his return of election expenses. The corrupt practice charged was of spending more than the authorised amount in election. The Court was not concerned with the question whether the police reports of speeches were admissible in proof of a corrupt practice under s. 123(4).

Credibility of the evidence of the aforesaid witnesses.—Dhote spoke in Hindi in the Chamar Nala meeting. Kalankar claims to have recorded his speech in the meeting. The relevant extract from his speech is as follows: "Sharma and Naik (reference is to Rikhabchand Sharma and Vasant Rao Naik, Chief Minister of Maharashtra) have become rich by corruption. Corruption thy name is Rikhabchand." He also said: "You have to cast your vote after thinking

properly. It will be decided in this election whether people here will choose corruption or a social worker". It will not be safe to place implicit reliance on his testimony in regard to this meeting. While assessing the probative value of his evidence, it will be necessary to remember that "the report of a short-hand writer is, strictly speaking, not substantive evidence as such, and the document can only be used as a part of the oral evidence sanctified by oath".

(Kanti Prasad Jayshankar Yagnik, *supra*).— There are several reasons why his testimony does not inspire confidence. Firstly, there is some evidence to show that the Nagpur Police must have had a strong prejudice against Dhote. Rikhabchand Sharma has filed a written statement. He has annexed a schedule to the written statement. The schedule gives a list of 25 cases against Dhote. On May 4, 1964 Dhote alongwith his associates assaulted Head Constable Deo Narain who was on duty at Yeotmal. In a public meeting held at Pimpri he is alleged to have delivered a speech instigating the people for looting godowns and assaulting public servants. On April 11, 1968 he delivered a speech in a public meeting at Hinganghat instigating people to assault government officials. On October 17, 1968 at Akola Railway Station he forcibly entered into a first class compartment in which the late Shri Gopalrao Khedekar, a minister of Maharashtra, was travelling by pushing the Police Inspector aside. On May 5, 1970 he is said to have delivered a speech at Wardha threatening police Sub-Inspector Pawar for prosecuting Forward Block workers and demanding his transfer and threatening revenge if he was not transferred. On November 22, 1970, Dhote along with his followers led a procession and is alleged to have threatened the police and caused damage to the police wireless van.

Secondly, Manohar Kashinath Kalankar has evidently made exaggerations in his oral evidence. For instance, in his examination-in-chief he said that he had attended meetings of different parties. But in cross-examination he was forced to admit that he had attended only one meeting of the Hindu Mahasabha. He said in his cross-examination that he could not tell from memory what speeches were delivered in the meetings which he attended. It will indicate that he is not a man of super-human memory. Nevertheless he has ventured to vouchsafe from memory that Dhote was present from the very beginning in the meetings in which Poundalik Masurkar and Satya Narain Sharma were speakers. On cross-examination, he admitted that there is no note to that effect in his note-book. We have already held that he seems to be interested in helping the cause of Rikhabchand Sharma and appellants. From a witness of speeches he has converted himself to a witness of Dhote's consent for the speeches of Poundalik Masurkar and Satya Narain Sharma. We have already rejected his evidence in that connection. So he is not impartial witness. Thirdly, it is not free from doubt that he was present in the Chamar Nala meeting. The relevant extract from his notes of the speech is: "Sharma and Naik had become rich by corruption . . . Corruption thy name is Rikhabchand . . . You have to cast your vote after thinking properly. It will be decided in this election whether people here will choose corruption or a social worker". Counsel for the appellants says that Kalankar was not specifically cross-examined in regard to his presence in the meeting. It is true that he was not confronted with the straight question that he was not present in the meeting and was falsely deposing. But the trend of cross-examination unmistakably shows that the cross-examiner was questioning his presence in the meeting. The relevant cross-examination elicits: "My notes show that the Chamar Nala meeting of 14-4-1971 was called by the Azad Bhim Sena. Generally we short-hand reporters do not attend cultural functions or meetings held to celebrate birth anniversaries or death anniversaries. I cannot tell whether the names of the speakers who were to address the meeting on 14-4-1971 were earlier announced. Nobody had told me nor did I ask anybody whether Shri Jambwantrao Dhote was going to speak at the meeting." His presence having been questioned, it was incumbent on the appellants to produce documentary evidence in proof of his presence. There is no doubt that if he were really present in the meeting, convincing police documentary evidence will be available to prove his presence. He has admitted that for going to the meeting a conveyance was given to him by the Department. No evidence has been produced to prove this fact also.

The meeting was called to celebrate Ambedkar Jayanti day. Dhote spoke in Hindi. But in the whole of Dhote's

6. (1969) 3 S. C. R. 400.

7. (1972) 2 S. C. R. 646.

speech, which Kalankar has noted down in his note-book, there is a solitary reference to the late B. R. Ambedkar and that too in Marathi. He is reported to have said: "Today we are celebrating the Jayanti of a great man". (emphasis added). The use of the mild epithet 'great' (and that too only once) is rather startling and unexpected of Dhote. He had gone there with an eye on vote-catching. He should accordingly have devoted the major part of his speech in enlisting the qualities and service of the late Dr. B. R. Ambedkar to the downtrodden and thus winning their heart and mind. The probability is that he would have merely alluded to the aspect of election from the side-lines. But his entire speech as recorded by Kalankar is devoted to election. It is highly improbable to expect that from a shrewed speaker like Dhote. It creates misgivings in our mind about the presence of Kalankar in the meeting. Again, Kalankar has admitted in his cross-examination that "Shri Dhote's speech is always systematic and there is no incoherence in it". Yet when one specific incoherent portion in Dhote's speech as recorded by him was pointed out to him, he admitted that the said portion does not fit in with what precedes and succeeds it. Dhote is recorded to be speaking about the poverty of the people. In that context he said that "in the meeting at Lakarganj, Chief Minister Vasant Rao Naik had said that they are poor who have committed sins in their past life. This is a humiliating statement. No sooner he said so, people raised slogans that Chief Minister Naik should go away. Chief Minister who talks of ushering in socialism should disclose in which book it is written that poverty is the consequence of the sins of the past life". After this portion the incoherent portion begins: "You should consider how Rikhab Chand Sharma and Vasant Rao Naik can usher in socialism. When the whole country was fighting for independence, Sharma Ji was doing the work of puncture repairing. There are others who are doing that work, but they have not become capitalists. Sharma Ji and Naik have become rich by corruption. Sharma is rich. Therefore, we are poor. Sharmaji's brain is fitted in reverse and he is a candidate of the Congress". Thereafter the speech continues: "Taking the aid of their wealth, Congress leaders like the Chief Minister Naik and Yashwant Rao Chauhan are caricaturing the poor. In this Republic those who have got ill-earned income are rulers. We are being looted and there is a fight for power. I can fight for the same. But poverty cannot be eliminated by such conduct as that of Sharma". Kalankar has made this admission in his cross-examination: "It is correct that if the (sandwiched incoherent) portion is omitted, the continuity of the speech will remain and that the portion following the (sandwiched) speech fits in the context of the portion preceding it". This admission also casts doubt on his presence in the meeting.

Dhote has examined himself and Rajababu Ganpatrao Meshram. Dhote has denied that he had made any offending remarks against Rikhabchand Sharma which Kalankar attributed to him in his note-book. Let us keep aside his denial for he is interested in denial. But Rajababu Ganpatrao Meshram's evidence cannot be overlooked. According to Kalankar he presided over the meeting. He has deposed: "Ambedkar Jayanti falls on 14th of April. On 14th April, a meeting was held in Chamar Nala locality. This meeting was called by Azad Bhim Sena in connection with the Ambedkar Jayanti. I presided over this meeting". He said that the photographs of Dr. B. R. Ambedkar and Buddha were placed on the dais, and that they were garlanded. According to him, Ajab Rao Ingle spoke about the Baudha community and Dr. Ambedkar. The other speakers dwelt on the work of Dr. Ambedkar for the labourers. In his cross-examination on behalf of Rikhabchand Sharma, he admitted that Dhote also spoke about the election. In his cross-examination on behalf of the appellants, he said that Dhote first spoke on the problems of labour, then on Dr. Ambedkar and in the concluding part of his speech he said that he was standing as a candidate in the election. The High Court appears to have believed his evidence. He does not seem to be an interested witness. He has stood the test of cross-examination. There appears to be no reason why we should not believe his testimony.

It is a curious feature of this case that neither during the election nor after the election there was a whisper of protest by any one including Rikhabchand Sharma against the alleged commission of corrupt practices. His statement issued after his defeat was published in the Nagpur Times of 23-4-1971. Even there he does not complain against the

commission of corrupt practices by Dhote and his supporters.

The High Court did not consider it safe to rely on Kalankar's evidence. Its view is governed on appreciation of evidence based on the credibility of the witness. For the reasons already discussed we are unable to hold that the High Court has gone wrong in its view. It has not overlooked any material feature in the evidence. Nor can its view be said to be perverse.

Shesh Rao Kambale has recorded in short-hand the Marathi speeches of Dhote in the Ganji Peth, Maska Sath and Kasturchand Park meetings. In the Ganji Peth meeting Dhote is reported to have said: "Bhrashtachar thy name is Rikhabchand . . . you should not cast your vote in favour of fallen-conduct (bhrashtachar) and if you do not want to elect me, you may vote for other candidates. Do not vote for a man of fallen-conduct (bhrashtachari). Do not allow it to be proved that you are companions of fallen-conduct (bhrashtachari)". Counsel for the appellants says that this portion of Dhote's speech makes out a corrupt practice under s. 123(4). We are reluctant to take that view. It is well to remember that it is one of those flourishes or hyperboles which are the common stock-in-trade of election speakers to exploit the emotions of the audience and to augment their popular support. Election speeches should be understood broad-mindedly, not literally. Election speakers often do not mean what they say, and the audience generally does not take them by their words. Even literally, "bhrashtachar" and "bhrashtachari" will not inevitably establish a corrupt practice. "Bhrashtachar" is a compound Sanskrit word. It is compounded of "bhrashta" and "achar". The word "Bhrashta" is derived from the root "bhransh" which means, inter alia, 'fallen'. (Sir Monier-Williams: A Sanskrit English Dictionary 1956 Edn. p. 769). So "Bhrashtachar" means, inter alia, 'fallen-conduct'; (compare Kalidasa's phrase in the Meghduta:

ब्रह्मसि शीर्ण पतैः

fallen old leaves). "Bhrashtachari" will also mean a 'man of fallen conduct'. The High Court has given a uniform meaning of 'corruption' to the word 'bhrashtachar' in the reported speeches of Dhote. It appears to us from the context of the Ganji Peth speech that Dhote might have used the word 'bhrashtachar' in the sense indicated by us. In any case, the context does not plainly exclude this innocuous interpretation. It is well-known that a person who takes liquor etc. is even now regarded by the common folk as a 'bhrashtachari'. So it cannot be said that the aforesaid portion of Dhote's speech is susceptible of one and only one construction which will establish a corrupt practice. And Dhote cannot be put in peril on an ambiguity.

In the Maska Sath meeting Dhote is reported to have said: "this is a war between truth and power. We have to see whether truth wins or power wins. We have to see whether truth wins or power loses, whether falsehood wins, or truth wins. We have to see whether corruption wins or purity wins". By no stretch and strain of these words, it is possible to make out a corrupt practice. In this speech Dhote does not in our view make any statement of fact in relation to the personal character or conduct of Rikhabchand Sharma.

In the Kasturchand Park meeting Dhote is reported to have said: "In the Chitra Talkies meeting the Chief Minister of Maharashtra, his disciples, Mandani or Sukhadani had said that Jambuwantrao Dhote would be buried seven patals deep. In democracy the language of burying seven patals is spoken and that also by the chief of a State. What is the meaning of this? As regards Rikhabchand Sharma he is reported to have said: "You know his achievements and his capacity. I do not wish to speak anything about him". This speech also does not amount to a corrupt practice.

The police witnesses have said that they used to send transcribed summaries of their notes of speeches to the Maharashtra Government at Bombay. An application was made on behalf of the appellants in the High Court for summoning the appropriate officers to produce those summaries, for it was said that they would corroborate these witnesses. The High Court rejected the application because it appears to have been made at a late stage in the course of arguments. An application has been made to the same

effect in this Court also. We do not think that it will be proper to allow the application for various reasons. Firstly, Kalankar said in his examination-in-chief that full reports of the speeches were sent to the Government at Bombay, but in his cross-examination he admitted that only summaries of the speeches were sent. Shesh Rao Kambale has no doubt uniformly said that only the summaries were sent. But in view of the statement of the former witness we do not feel reassured that only summaries were sent. Secondly, the mere admission of summaries in evidence at this stage will not avail the appellants. A number of police witnesses from Nagpur as well as from Bombay will have to be summoned to give evidence. A number of documents, especially the dispatch registers will have to be admitted in evidence to ascertain whether full reports or summaries were sent to Bombay. It is relevant to mention that Dhote has accused the witnesses of making interpolations in their note-books. It is neither proper nor prudent to launch an enquiry of such a magnitude at this stage. Thirdly, as regards the reported speeches of Pundalik Masurkar and Satya Narain Sharma, we have already held that they were not made with the consent of Dhote. As regards the speeches of Dhote, we have earlier held that one of them is not admissible in evidence, and three others do not make out a corrupt practice. As regards the remaining one recorded by Kalankar in the Chamar Nala meeting, we have earlier expressed doubt about his presence in the meeting. So summaries will not advance the case of the appellants. It will remain as it is now. In short, it will be a mere waste of time to summon them.

The High Court has exhibited not only extracts from the reported speeches of Dhote but has also admitted the full reports of his speeches. It is argued on behalf of the appellants that the full reports establish other instances of the pleaded corrupt practice against Dhote. The High Court was also addressed on this aspect. It did not accept the argument. Nor can we. The other instances were not pleaded in the petition. The appellants did not seek to amend the petition by incorporating those instances. Dhote got no opportunity to deny them to disprove them. He did not even cross-examine the police witnesses with respect to those instances. He confined his cross-examination mainly to the instances pleaded in the petition. Taking notice of the new instances will cause serious prejudice to him.

Issue No. 9 :

It is alleged that in the Kasturchand Park meeting Dhote and his followers distributed copies of the weekly Gram Sewak which was published by Atal Bahadur Singh with the consent of Dhote. Dhote has denied that he had consented to its publication. He has also denied that he and his followers distributed the Gram Sewak in the meeting. There is no doubt that the Gram Sewak contains an attack on the personal character of Rikhabchand Sharma and falls within the grip of s. 123(4) of the Act. But the High Court has found that neither Dhote nor his followers distributed it. It has also found that Atal Bahadur Singh did not publish it with the consent of Dhote. Accordingly the issue has been decided against the appellants.

Satya Narain Sharma, a witness for Dhote, has admitted that the copies of Gram Sewak were not distributed free but were sold out on the road running from the Kasturchand statue to the Assembly building after the close of the meeting. Similarly, another witness of Dhote, B.M. Gaikwad, has admitted that he saw copies of the Gram Sewak being sold outside the Kasturchand park. So the important questions to be decided are : (1) whether the Gram Sewak was published by Atal Bahadur Singh with the consent of Dhote; (2) whether Dhote himself distributed the copies of the Gram Sewak in the meeting; and (3) whether any of his followers distributed the copies of the Gram Sewak in the meeting.

Re. (1)

There is no direct evidence to prove that Atal Bahadur Singh published the Gram Sewak with the consent of Dhote. Consent, however, may be inferred from circumstances. [See *Sheopat Singh vs. Harish Chandra*⁽⁸⁾ and *R. M. Sheshadri vs. G. Vasantha Pai*⁽⁹⁾]. Admittedly, Atal Bahadur Singh is

the editor of the Gram Sewak. He has been examined by Dhote. He has stated that he had published the offending Gram Sewak on his own initiative. He has denied that it was published by him with the consent of Dhote. He has also stated that 1000 copies of the Gram Sewak were printed on his order by Sri Sharda Mudranalaya. He had sent out of Nagpur 200 copies for sale; about 180 complimentary copies were sent to the advertising agencies; 200 copies were sent to the book stalls in Nagpur; 200 copies were given to hawkers for sale. Out of the 400 copies given to the book-stall keepers and hawkers, 70 copies were returned to him. He received the price for 330 copies sold by them. He has stated in cross-examination that he maintains accounts relating to the publication of the Gram Sewak. He further said: "If I am asked to produce these tomorrow, I am willing to do so". No such demand was made on behalf of the appellants. His evidence supports the evidence of Satya Narain Sharma that the Gram Sewak was sold and not distributed free outside the meeting. There is nothing in his evidence to discredit his testimony. He has been believed by the High Court. So we share the view of the High Court that it was sold by hawkers only. Atal Bahadur Singh has admitted that he had been canvassing for Dhote in his ward. He has also admitted that he had pasted certain posters in his ward soliciting support for Dhote at his expense. He has also admitted that he had been working with Dhote in certain associations and in the Maha Vidarbha Andolan. His association with and his canvassing for Dhote could not establish that the Gram Sewak was published with the consent of Dhote. Evidence shows that when Dhote was canvassing from door to door in the ward in which Atal Bahadur Singh resides, he was not accompanied by the latter. This will show that the latter was working on his own initiative. We have believed his evidence that the copies of the Gram Sewak were sold and not distributed free. It is hardly probable that if Dhote had given his consent to the publication of the Gram Sewak, it would have been sold and not distributed free. The sale suggests want of consent of Dhote. So we agree with the High Court that the appellants have failed to prove the publication of Gram Sewak with the consent of Dhote.

Re. (2)

To prove distribution of the copies of Gram Sewak in the meeting as alleged in the election petition, the appellants have examined Nepat Rao, Janak Lal, Namdeo Rao, Govind Marot Rao and Marot Rao (one of the appellants). Nepat Rao and Namdeo Rao have stated that Dhote, Atal Bahadur Singh and B. M. Gaikwad had distributed the copies of the Gram Sewak both of them also say that Dhote gave one copy of the Gram Sewak to them. Marot Rao says that Dhote and Atal Bahadur Singh distributed the copies of the Gram Sewak. So his evidence is not material in regard to the distribution of the Gram Sewak by Dhote. Nepat Rao is the General Secretary of the Lal Bahadur Sastri Dal. Laxminarayan (one of the appellants) is the President of the Dal. He is also a member of the Yuva Congress, an affiliate of Congress (R), which had sponsored Rikhabchand Sharma's candidature. He has also admitted that he had been canvassing for Rikhabchand Sharma till April 15, 1971. Namdeo Rao is also a member of the Congress (R). He has admitted that he had been canvassing for Rikhabchand Sharma. He has also admitted that he was the counting agent of Rikhabchand Sharma. Janak Lal appears to be a chance witness. He says that he went to the Sitabadi market at about 9 p.m. for purchasing a clutch wire for his motor-cycle and on his way back he went to the meeting in the Kasturchand Park. He has admitted that ordinarily the Sitabadi market is closed at 8.30 p.m. He has admitted that after the meeting he had never spoken about the distribution of the Gram Sewak to Rikhabchand or to the appellants till the date of his evidence. His presence in the meeting, accordingly, is very doubtful. Marot Rao has denied that he had been canvassing for Rikhabchand Sharma, but he has admitted that he went to Umred to see how the polling was proceeding as he was interested in the success of the Congress candidate. Nepat Rao, Namdeo Rao and Marot Rao are evidently highly interested witnesses. It is surprising that no independent witness has been examined by the appellants in order to prove distribution of the Gram Sewak by Dhote, especially because the meeting was attended by a large number of persons. It is also difficult to believe these witnesses for another important reason. It has come in evidence of other

⁽⁸⁾ A.I.R. 1960 S.C. 1217.

⁽⁹⁾ (1969) 2 S.C.R. 1019.

witnesses of the appellants that the meeting was addressed by Dhote from an improvised dais on a truck which was used in the procession before the meeting. These witnesses were cross-examined about the nature of the dais. None of them stated that the dais was improvised on the truck. Had they really attended the meeting, they could not have failed to notice this striking improvisation. Dhote has denied that he had distributed the copies of the Gram Sewak. Having regard to the nature of the appellants' evidence, we are in entire agreement with the High Court that they have failed to prove the distribution of the Gram Sewak by Dhote in the meeting.

Govind Marot Rao has deposed that B. M. Gaikwad had given him a copy of the Gram Sewak in the Chitnis Park from where the procession started before the meeting. Now, the distribution of the Gram Sewak in the Chitnis park is not pleaded in the petition. B. M. Gaikwad was the election agent of Dhote. A corrupt practice committed by an election agent avoids the election. It is not necessary to prove the consent of the returned candidate. If B. M. Gaikwad had really distributed the copies of the Gram Sewak in the meeting or in the Chitnis Park, it is difficult to believe that the appellants would have failed to make a mention of it in their election petition. Govind Marot Rao is an active member of the Congress (R). Admittedly, he had canvassed for Rikhabchand Sharma. The High Court has disbelieved him, and we find no reason to disagree with the High Court.

Re. (3)

We have already held that the High Court rightly rejected the evidence of the appellants' witnesses in regard to the distribution of the Gram Sewak by Dhote in the meeting or anywhere else. That being so, we do not accept their evidence of distribution of copies of the Gram Sewak by Atal Bahadur Singh, B. M. Gaikwad and others in the meeting.

We agree with the High Court that the appellants have failed to prove issue No. 9 in their favour.

The last argument of the appellants is about the costs awarded by the High Court to Dhote while dismissing the election petition. The High Court's order is : "I, dismiss the petition with costs with the direction that the respondent No. 2 (Dhote) will be entitled to his costs at the scheduled rate of Rs. 400/- per day for 52 hearings from the petitioner and that respondent No. 11 will get Rs. 1500/- as his costs payable by the petitioners".

Counsel for the appellants points out that Rs. 400/- per day is prescribed by the Bombay High Court Rules for fees of counsel and the High Court has awarded costs to Dhote in accordance with that rule. He has also pointed out that counsel who appeared for Dhote and respondent No. 11 did not file a certificate in the High Court in proof of payment of any fees to them. There is also no other evidence in proof of payment of fees to them. The opposing counsel do not contradict this statement of counsel for the appellants. Accordingly we are proceeding on the assumption that there is no evidence on the record to show that any fees were paid to counsel for Dhote and respondent No. 11.

Section 96 provides that "the reasonable expenses incurred by any person in attending to give evidence may be allowed by the High Court to such person and shall, unless the High Court otherwise directs, be deemed to be part of the costs". Section 119 deals with costs in the cause. It reads : "Costs shall be in the discretion of the High Court : provided that where a petition is dismissed under clause (a) of section 98, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate". (emphasis added)

It may be observed that the word 'incurred' occurs both in section 96 and section 119. 'Incurred' means "actually spent". The petition was dismissed by the High Court under cl. (a) of s. 98. Accordingly, it was incumbent on the High Court to award costs to Dhote. But he is entitled to only such costs as are shown to have been incurred by him. Admittedly, there is no proof of payment of any fee to counsel by Dhote. So he is not entitled to the amount

of Rs. 400/- per diem awarded by the High Court. However, he will be entitled to any other costs which are shown to have been incurred by him.

Having regard to the foregoing discussion, the appeal is allowed only with respect to counsel's fees awarded to Dhote and the respondent No. 11 by the High Court. As for the rest, the appeal is dismissed. Dhote will be entitled to such costs as have been incurred by him in this Court as well as in the High Court.

Sd/- (P. Jaganmohan Reddy) J.
Sd/- (S. N. Dwivedi) J.

New Delhi,
September 28, 1973.

[No. 82/MT/3(Nagpur) /711
V. NAGASUBRAMANIAN, Secy.

न्याय, विधि तथा कम्पनी कार्य मंत्रालय
(न्याय विभाग)

नॉटरिस

नई दिल्ली, 12 दिसम्बर, 1973

का. अ. 3578.—इसके इवारा, लेख्य प्रमाणक नियम (नोटरीज रुल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी इवारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री नरेजन दत्त, एडवोकेट, 7/26, दरियागंज, दिल्ली ने उक्त नियमों के नियम 4 के अधीन, समस्त दिल्ली राज्य में मुख्य कायलिय दरियागंज तथा तीस हजारी कोट्स रखते हए लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिए आवेदन-पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो इस नॉटरिस के प्रकाशित होने के चाँदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[सं. 22/38/73-न्याय]
के. त्यागराजन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS
(Department of Justice)

NOTICE

New Delhi, the 12th December, 1973

S.O. 3578.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Naranjan Datta, Advocate, 7/26, Daryaganj, New Delhi for appointment as a Notary to practise in the Union Territory of Delhi with his headquarters at Daryaganj and Tis Hazari Courts.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. 22/38/73-JUS]
K. THYAGARAJAN, Competent Authority and
Dy. Secy.

वित्त मंत्रालय
(राजस्व और बीमा विभाग)

आदेश

नई दिल्ली, 29 दिसम्बर, 1973

स्टाम्प.

का. आ. 3579.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उस शुल्क से, जो केरल राज्य आवास बोर्ड द्वारा वर्ष 1973-74 के दौरान जारी किए जाने वाले एक करोड़ और दस लाख रुपए शुल्क के बन्धपत्रों पर उक्त अधिनियम के अधीन प्रभार्य है, छूट देती है।

[सं. 38/73-स्टाम्प/फा. सं. 471/75/73-सी.शु.-6]

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

ORDER

New Delhi, the 29th December, 1973

STAMPS

S.O. 3579.—In exercise of the powers conferred by clause (a) of sub-section (1) of the section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds of the value of one crore and ten lakhs of rupees, to be issued by the Kerala State Housing Board during the year 1973-74, are chargeable under the said Act.

[No. 38/73-Stamp/F. No. 471/75/73-Cus. VII]

आदेश

का. आ. 3580.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उस शुल्क से, जो महाराष्ट्र राज्य सहित परिवहन निगम, मुम्बई द्वारा जारी किए जाने वाले एक करोड़ रुपए के मूल्य के विनियम पत्रों पर उक्त अधिनियम के अधीन प्रभार्य है, छूट देती है।

[सं. 39/73-स्टाम्प/फा. सं. 471/69/73-सी.शु. 6]

ORDER

S.O. 3580.—In exercise of the powers conferred by clause (a) of sub-section (1) of the section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bills of exchange to the value of one crore of rupees, to be issued by the Maharashtra State Road Transport Corporation, Bombay, are chargeable under the said Act.

[No. 39/73-Stamp/F. No. 471/69/73-Cus. VII]

आदेश

का. आ. 3581.—केन्द्रीय सरकार, भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस शुल्क से छूट देती है, जो तमिल नाडु राज्य आवास बोर्ड, मद्रास द्वारा फरवरी, 1971 में जारी किए गए एक सौ लाख रुपयों और मार्च, 1972 में चालू किए गए एक सौ दस लाख रुपयों के मूल्य के स्टाक प्रमाणपत्रों

और वचनपत्रों के रूप में डिनॉचर्सों पर उक्त अधिनियम के अधीन प्रभार्य है।

[सं. 40/73-स्टाम्प/फा. सं. 471/76/73-सी.शु. 7]

जे. रामकृष्णन, अवर सचिव

S.O. 3581.—In exercise of the powers conferred by clause (a) of sub-section (1) of the section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures in the form of stock certificates and promissory notes to the value of one hundred lakhs of rupees issued in February, 1971 and one hundred and ten lakhs of rupees floated in March 1972 by the Tamil Nadu State Housing Board, Madras are chargeable under the said Act.

[No. 40/73-Stamp/F. No. 471/76/73-Cus. VII]

J. RAMAKRISHNAN, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 14 दिसम्बर, 1973

का. आ. 3582.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतदद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) और (2) के उपबन्ध अधीनियम बैंकों के मामले में 31 दिसम्बर, 1974 तक लागू नहीं होंगे, जहां तक उक्त उपबन्ध बैंकों के अध्यक्ष एवं प्रबंध निदेशकों को दी केरल इण्डिस्ट्रियल एंड ट्रॉकिनकल कन्सलटेंसी आर्गेनाइजेशन लिं., जो कि कम्पनीज अधिनियम, 1956 (1956 का 1) की एक पंजीकृत कम्पनी है, का अध्यक्ष होने पर रोक लगाते हैं।

क. सं. बैंक का नाम

प्रबन्ध निदेशक का नाम तथा पदनाम

- | | |
|---------------------------|-------------------------|
| 1. कनारा बैंक | श्री सी. ई. कामथ |
| 2. इण्डियन ऑवरसीज बैंक | श्री ए. एम. कथीरेसन |
| 3. सिंडिकेट बैंक | श्री कै. कै. पै |
| 4. यूनियन बैंक आफ इण्डिया | श्री पी. एफ. गट्टा |
| 5. इण्डियन बैंक | श्री जी. लक्ष्मीनारायणन |

[सं. 15(33)-बी. आ. 3/73]

(Department of Banking)

New Delhi, the 14th December, 1973

S.O. 3582.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply till the 31st December, 1974 to the undermentioned banks in so far as said provisions prohibit their respective Chairman and Managing Directors from being the directors of the Kerala Industrial & Technical Consultancy Organisation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

Sl. No.	Name of the bank	Name and Designation of Chairman and Managing Director
---------	------------------	--

- | | |
|-------------------------|--------------------------|
| 1. Canara Bank | Shri C. E. Kamath |
| 2. Indian Overseas Bank | Shri A. M. Kadiresan |
| 3. Syndicate Bank | Shri K. K. Pai |
| 4. Union Bank of India | Shri P. F. Gutta |
| 5. Indian Bank | Shri G. Lakshminarayanan |

[No. 15(33)-B.O.III/73]

का. आ. 3583.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपवन्ध दी हिन्दुस्तान कामर्शियल बैंक लि., कानपुर पर उनकी सम्पत्ति अर्थात् मकान नं. 116/377, मौहितशन गंज, इलाहाबाद के ऊरे में 9 नवम्बर, 1974 तक लागू नहीं होगी।

[सं 15(32)-बी. ओ 3/73]

S.O. 3583.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 9th November, 1974 to the Hindustan Commercial Bank Ltd., Kanpur in respect of a property viz. a house No. 116/377 held by it at Mohitshanganj, Allahabad.

[No. 15(32)-B.O. III/73]

का. आ. 3584—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त बैंकिंग विनियमन अधिनियम, 1949 की धारा 19 के उपवन्ध अधोलिखित बैंकों पर 31 दिसम्बर, 1974 तक लागू नहीं होंगे, जहाँ तक उक्त उपवन्ध बैंक द्वारा दी केरल इन्डस्ट्रियल एन्ड टेक्नीकल कॉन्सल्टेंट्स ऑफ़नाइजेशन लि., जो कि कम्पनीज अधिनियम, 1956 (1956 का 1) की एक पंजीकृत कम्पनी है, के शेयर धारण कसे पर रोक लगाते हैं :

क्र. सं.	बैंक का नाम
1	केनारा बैंक
2.	इण्डियन बैंक
3.	इण्डियन औवरसीज बैंक
4	सिडिकेट बैंक
5,	यूनियन बैंक आफ इंडिया

[सं 15 (33)-बी. ओ 3/73]
मे. भा. उसगावकर, अवर सचिव

S.O. 3584.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (3) of Section 19 of the said Banking Regulation Act, 1949 shall not apply, till the 31st December 1974, to the undermentioned banks in so far as the said provisions prohibit the said banks from holding shares in the Kerala Industrial and Technical Consultancy Organisation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

SI. No.	Name of the Bank
1.	Canara Bank
2.	Indian Bank
3.	Indian Overseas Bank
4.	Syndicate Bank
5	Union Bank of India

[No. 15(33)-B.O. III/73]

M. B. USGAONKAR, Under Secy.

रिजर्व बैंक आफ इंडिया

नई दिल्ली, 19 दिसम्बर, 1973

का. आ. 3585—रिजर्व बैंक आफ इंडिया अधिनियम, 1934 के अनुमरण में नवम्बर 1973 की 16 तारीख को समाप्त हुए साताह के लिए लेखा

दृष्टि विभाग

देयताएँ	रुपये	रुपये	आस्तिया	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन :—		
नोट .	32,67,44,000		(क) भारत में रखा हुआ .	182,53,08,000	
संचलन में नोट .	5678,34,96,000		(ब) भारत के बाहर रखा हुआ ..		
			बिदेशी प्रतिभूतिया .	106,73,97,000	
जारी किये गये कुल नोट .	5711,02,40,000		जोड़ .	289,27,05,000	
			रुपये का सिक्का .	6,41,46,000	
			भारत सरकार की रुपया		
			प्रतिभूतिया .	5415,33,89,000	
			देली विनियम बिल और दूसरे		
			बाणिज्य-पत्र .		
कुल वेत्याएँ .	5711,02,40,000		कुल आस्तिया .	5711,02,40,000	

16 नवम्बर 1973 को दिल्ली वैक्रांत एवं प्राक हिन्दिया के वैकिंग विभाग के कार्यक्रमाप का विवरण

देशभाषा	संघर्ष	प्राप्तियां	संघर्ष
बुकला पंजी	5,00,00,000	नोट	32,67,44,000
प्रारंभिक निधि	150,00,00,000	रुपये का मिक्का	3,91,000
राष्ट्रीय कृषि ऋण		डिटा मिक्का	3,58,000
(दीर्घकालीन क्रियां) निधि	239,00,00,000	वार्गिक और भूमाले गण बिल (क) वैक्री	53,98,50,000
राष्ट्रीय कृषि ऋण	85,00,00,000	(ख) विदेशी (ग) सरकारी खजाना बिल	330,76,34,000
(स्थिरीकरण) निधि		विदेशों में रखा हुआ अकाशा*	255,80,08,000
राष्ट्रीय भौतिक ऋण	205,00,00,000	निवेश**	592,20,47,000
(दीर्घकालीन क्रियां) निधि		ऋण और प्रग्रहित :-	
प्रमा राजियां :-		(i) केन्द्रीय सरकार	59,51,53,000
(क) सरकारी		(ii) राज्य सरकारों को	7,51,65,000
(i) केन्द्रीय सरकार		(iii) राज्य सरकारों को	83,38,11,000
(ii) राज्य सरकारें		ऋण और प्रग्रहित :-	
(ख) वैक्री		(i) अनुसूचित वाणिज्य बैंक	748,47,34,000
(i) अनुसूचित वाणिज्य बैंक		(ii) राज्य सरकारी बैंकों को	117,53,12,000
(ii) अनुसूचित राज्य		(iii) दूसरों को	238,88,65,000
सरकारी बैंक	12,52,60,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियां) निधि से	
(iii) गैर अनुसूचित राज्य		ऋण, प्रग्रहित और निवेश	
सरकारी बैंक	1,20,14,000	(iv) राज्य सरकारी बैंकों को	1,64,90,000
(iv) गैर बैंक	1,26,60,000	(क) ऋण और प्रग्रहित :-	
		(i) राज्य सरकारों को	66,94,42,000
		(ii) राज्य सरकारी बैंकों को	18,13,89,000
		(iii) केन्द्रीय भूमिक्षक बैंकों को	
		(iv) कृषि पुनर्वित निगम को	34,00,00,000
(ग) अन्य	70,98,30,000	(ख) केन्द्रीय भूमिक्षक बैंकों के विवेचरों में निवेश	
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और प्रग्रहित	
देश बिल	76,21,47,000	राज्य सहायारी बैंकों को ऋण और प्रग्रहित	60,72,82,000
प्रम्य देशभाषा	413,83,30,000	राष्ट्रीय भौतिक ऋण (दीर्घकालीन क्रियां) निधि से	
		ऋण, प्रग्रहित और निवेश	
		(क) विकास बैंक को ऋण और प्रग्रहित	129,00,35,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडा/विवेचरों में निवेश	
		अन्य प्राप्तियां	48,40,42,000
	2075,52,93,000	संघर्ष	2075,52,93,000

*मंकरी, आवश्यक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियां) निधि और राष्ट्रीय भौतिक ऋण (दीर्घकालीन क्रियां) निधि वें से किये गये निवेश जामिल नहीं हैं।

(i) राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियां) निधि से प्रदत्त ऋण और प्रग्रहित जामिल नहीं हैं, परन्तु राज्य सरकारों को विक्रे गये अस्थायी भोजनालय जामिल हैं।

+दिल्ली वैक्री प्राक हिन्दिया प्रधिनियम की भारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को सीयावी विवेंगे पर, प्रग्रहित विक्रे गये 12,60,00,000 रुपये जामिल हैं।

†राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियां) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और प्रग्रहित जामिल नहीं हैं।

दारीदर : 21 नवम्बर, 1973

एम० जगन्नाथन, गवर्नर

[सं. क० 1/1/73—वृ० ओ० II]

RESERVE BANK OF INDIA

New Delhi, the 19th December, 1973

S.O. 3558.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 16th day of November 1973

		ISSUE DEPARTMENT			
Liabilities	Rs.	Rs.		Assets	Rs.
Notes held in the Banking department	32,67,44,000			Gold Coin and Bullion:-	
Notes in circulation	5678,34,96,000			(a) Held in India	182,53,08,000
Total Notes issued	5711,02,40,000			(b) Held outside India	..
				Foreign Securities	106,73,97,000
				TOTAL	289,27,05,000
				Rupee Coin	6,41,46,000
				Government of India Rupee Securities	5415,33,89,000
				Internal Bills of Exchange and other commercial paper	..
Total Liabilities	5711,02,40,000			Total Assets	5711,02,40,000

Dated the 21st day of November, 1973.

S. JAGANNATHAN, Governor

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 16th November 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid up	5,00,70,000	Notes	32,67,44,000
Reserve Fund	150,00,00,000	Rupee Coin	3,91,000
National Agricultural Credit (Long term Operations) Fund	239,00,00,000	Small Coin	3,58,000
National Agricultural Credit (Stabilisation) Fund	85,00,00,000	Bills Purchased and Discounted:-	
National Industrial Credit (Long Term Operations) Fund	205,00,00,000	(a) Internal	53,98,50,000
Deposits:—		(b) External	..
(a) Government	59,51,53,000	(c) Government Treasury Bills	330,76,34,000
(i) Central Government	7,51,65,000	Balance Held Abroad*	255,80,08,000
(ii) State Governments		Investments**	592,20,47,000
(b) Banks	748,47,34,000	Loans and Advances to:—	
(i) Scheduled Commercial Banks	12,52,60,000	(i) Central Government	83,38,11,000
(ii) Scheduled State Co-operative Banks		(ii) State Governments (a)	
(iii) Non-Scheduled State Co-operative Banks	1,20,14,000	(iii) Others	238,88,65,000
(iv) Other Banks	1,26,60,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	1,64,90,000
(c) Others	70,98,30,000	(a) Loans and Advances to:—	
Bills Payable	76,21,47,000	(i) State Governments	66,94,42,000
Other Liabilities	413,83,30,000	(ii) State Co-operative Banks	18,13,89,000
		(iii) Central Land Mortgage Banks	34,00,00,000
		(iv) Agricultural Refinance Corporation	
		(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	11,26,93,000
		Loans and Advances to State Co-operative Banks	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	60,72,82,000
		(a) Loans and Advances to the Development Bank	129,09,35,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	48,40,42,000
Rupees	2075,52,93,000	Rupees	2075,52,93,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

(a) Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdraft to State Governments.

Includes Rs. 12,50,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 21st day of November, 1973.

S. Jagannathan, Governor

[No. F. 1 (1)/73-B. O. I]

कांग्रेस 3586 रिजर्व बैंक आफ इंडिया अधिकारी 1331 र अनुसार 1973 को 23 नवम्बर रा भारत हुआ ताहत दिए गए

प्रश्न विभाग

देयताएँ	रपय	रपय	प्राप्तियाँ	रपय	रपय
बैंकिंग विभाग मे रक्ख हुए ताट	15 53,74 000		जार रा निवारा और पर्क्सन —		
सचलन मे नाट	5626 23 79,000		(क) भारत म रक्ख हुए	14 22 08 000	
			(ख) गांत के पार रक्ख हुए		
पार्श्व विभाग मे गये कुप्रति ताट	5663 77 53 000	पर्षे नि लिए गये	100,23 2,000		
			जाउ	264 17 04 000	
			रपय द रात्रा	11 61 000	
			भारत सरकार के स्पष्टा प्रति		
			भूतिया	370 33 87 000	
			दणी विनियम बिन और इपरे		
			वाणिज्य पत्र		
कुल देयताएँ	5663 77 53 000	कुल जाप्तिया		5663 77 53 000	
तारीख 29 नवम्बर 1973,					पा० जगन्नाथन, राधनैश्वर

23 नवम्बर 1973 का रिजर्व बैंक आफ इंडिया के बैंकिंग विभाग के कार्य-क्लास रा प्रकरण

देयताएँ	रपय	प्राप्तिया	रपय
चुकता पूजी	00 00 000	ताट	35,53,71,000
आग्रहित निर्ज	150 (0 10 00)	रपये वा निवारा	3 04,000
राष्ट्रीय कृषि फुरा (दोषकालीन विद्याएँ) निर्ज	237 00 00 00	छाटा निकाल	3 50,000
राष्ट्रीय कृषि फुरा (स्थरीकरण) निर्ज	55 00 00,010	खरीदे और भुनाये गये विल	
राष्ट्रीय श्रीमोहित शुण (वीरकालीन विद्याएँ) निर्ज	205 00 00 000	(क) देशी	231 6,000
जमाराणिया —		(ख) विदेशी	
(क) सरकारी		(ग) सरकारी खजाना विल	317 45,82,000
(i) केन्द्रीय गरकार	51 09 76 000	विदेशी मे रक्ख हुआ बनाया	241 13 08,000
(ii) राज्य भरकारे	5 35 45 000	निवेश*	671,44 2 000
(ख) बैंक		शुण और अग्रिम —	
(i) अनुमूलित वाणिज्य बैंक	759 19,71,000	(1) केन्द्रीय गरकार का	
(ii) अनुमूलित राज्य गरकारी बैंक	13 93 24 000	(1') राज्य सहकारी कोष	7 17 27 100
(iii) गैर अनुमूलित राज्य गरकारी बैंक	1 1 91 000	शां और अग्रिम —	
(iv) अन्य बैंक	90 41 000	(1) अनुमूलित वाणिज्य बैंक का	10 97 2 000
		(2) राज्य सहकारी बैंक का	2 11 26 20,000
		(iii) कुरारा बा	1 52 90 0 00
		गांतीय कृषि फुरा (शीर्षकालीन विद्याएँ) निधि भ	
		ताट, प्रग्रिम और नियेश	
		(1) फुरा और अग्रिम —	
		(2) राज्य सहकारी बा	66 91 18 001
		(ii) राज्य सहकारी बैंक	18 52 57,000
		(iii) केन्द्रीय शूमिकापक बैंको का	
		(iv) रुपी पुर्विक्त नियम दो	31 00 0 000

देवताएँ	रुपये	आस्तियाँ	रुपये
(ग) अन्य	70,46,36,000	(ख) केन्द्रीय भूमिकारक बैंकों के डिवेंचरों में निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और प्रधिम राज्य महकारी बैंकों को ऋण और प्रधिम	11,26,93,000
इथ बिस	87,66,45,000	गांधीय ग्रोथोगिक ऋण (शीर्षकालीन क्रियाएँ) निधि से ऋण प्रधिम और निवेश	60,52,56,000
अन्य देवताएँ	416,37,80,000	(क) विकास बैंक को ऋण और प्रधिम (ख) विकास बैंक द्वारा जारी किये गये बांडों/डिवेंचरों में निवेश	129,09,35,000
		अन्य आस्तियाँ	45,99,58,000
	2092,48,09,000		2092,48,09,000

*नक्की, आवश्यक जब्ता और ग्रल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (शीर्षकालीन क्रियाएँ) निधि और राष्ट्रीय ग्रोथोगिक ऋण (शीर्षकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं हैं।

③राष्ट्रीय कृषि ऋण (शीर्षकालीन क्रियाएँ) निधि से प्रदत्त ऋण और प्रधिम झाँसिल नहीं हैं, परन्तु राज्य भरकारी को दिये गये प्रस्थायी शोबतरक्षण स्थानिल हैं।

+रिजर्व बैंक आकां इडिया प्रधिनियम की ओरा 17(4)(ग) के अधीन अनुमूलिक वाणिज्य बैंकों को सीधारी बिलों पर प्रधिम दिये गये 7,60,00,000 रुपये शामिल हैं।

प्रराष्ट्रीय कृषि ऋण (शीर्षकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और प्रधिम शामिल नहीं है।

सारीख 21 नवम्बर, 1973

एम० जगन्नाथन, गवर्नर

[सं० फ० 1/1/73—बी०प्र०II]

S.O. 3586: —An Account Pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 23rd day of November, 1973
ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking			Gold Coin and Bullion :-		
Department	35,53,74,000		(a) Held in India	182,53,08,000	
Notes in Circulation	5628,23,79,000		(b) Held outside India	..	
Total Notes issued	5663,77,53,000		Foreign Securities	101,73,97,000	
			TOTAL	284,27,05,000	
			Rupee Coin	9,16,61,000	
			Government of India Rupee Securities	5370,33,87,000	
			Internal Bills of Exchange and other commercial paper	..	
Total Liabilities	5663,77,53,000	Total Assets	5663,77,53,000		

Dated the 28th day of November, 1973

S. Jagannathan, Governor,

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 23rd November, 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	35,53,74,000
Reserve Fund	150,00,00,000	Rupee Coin	3,04,000
National Agricultural Credit (Long Term Operations) Fund	239,00,00,000	Small Coin	3,50,000
National Agricultural Credit (Stabilisation) Fund	85,00,00,000	Bills Purchased and Discounted:—	
National Industrial Credit (Long Term Operations) Fund	205,00,00,000	(a) Internal	52,30,86,000
Deposits:—		(b) External . . . . .	.. .. .. .. ..
(a) Government		(c) Government Treasury Bills	317,85,82,000
(i) Central Government	51,08,76,000	Balances Held Abroad*	241,13,08,000
(ii) State Governments	8,35,45,000	Investments**	671,44,32,000
(b) Banks		Loans and Advances to :—	
(i) Scheduled Commercial Banks	758,49,71,000	(i) Central Government	90,97,42,000
(ii) Scheduled State Co-operative Banks	13,93,24,000	(ii) State Governments @	241,56,20,000
(iii) Non-Scheduled State Co-operative Banks	1,19,91,000	(iii) Others	1,52,90,000
(iv) Other Banks	90,41,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(c) Others	70,46,36,000	(i) State Governments	66,91,48,000
Bills Payable	87,66,45,000	(ii) State Co-operative Banks	18,54,57,000
Other Liabilities	416,37,80,000	(iii) Central Land Mortgage Banks . . . . .	.. .. .. .. ..
		(iv) Agricultural Refinance Corporation	34,00,00,000
		(b) Investment in Central Land Mortgage Bank Debentures	11,26,93,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	60,52,56,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	129,09,35,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	.. .. .. .. ..
		Other Assets	45,99,58,000
	Rupees 2092,48,09,000		Rupees 2092,48,09,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 7,60,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 28th day of November, 1973.

S. Jagannathan Governor
[No. F I(I)/73-B O. I]

कागदा० 3587 —रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में नवंबर 1973 की 30 तारीख को समाप्त हुए सप्ताह के लिए सेवा

इण्‌ट्रो विभाग

देवताएँ	रुपये	रुपये	आस्तियाँ	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	34,77,93,000		मोने का सिक्का और बुलियन :—		
			(क) भारत में रखा हुआ	182,53,08,000	
संचलन में नोट	5590,13,84,000		(ख) भारत के बाहर रखा हुआ		
			विदेशी प्रतिभूतियाँ	101,73,97,000	
जारी किये गये कुल नोट	5624,91,77,000		जांड़		284,27,05,000
			रुपये का सिक्का		10,30,70,000
			भारत सरकार की रुपया प्रति- भूतियाँ		5330,34,02,000
			देशी विनियम बिल और दूसरे वाणिज्य पत्र		
कुल देवताएँ	5624,91,77,000		कुल आस्तियाँ		5624,91,77,000

एम० जगद्वापन, गवर्नर

तारीख, 5 दिसम्बर, 1973

30 नवम्बर 1973 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकालप का विवरण

देवताएँ	रुपये	आस्तियाँ	रुपये
कुकता पूँजी	5,00,00,000	नोट	34,77,93,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	6,94,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ निधि)	239,00,00,000	छोटा सिक्का	3,54,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	85,00,00,000	खरीदे और भुनाये गये बिल	
राष्ट्रीय श्रीशोधिक ऋण (दीर्घकालीन क्रियाएँ) निधि	205,00,00,000	(क) देशी	55,45,83,000
जमा राशियाँ :—		(ख) विदेशी	
(क) सरकारी		(ग) सरकारी खजाना बिल	
(i) केन्द्रीय सरकार	55,44,18,000	विदेशों में रखा हुआ ब्राकास्ट*	222,13,90,000
(ii) राज्य सरकारें	13,62,59,000	निवेश **	749,48,91,000
(ख) बैंक		ऋण और प्रग्रहण :—	
(i) अनुसूचित वाणिज्य बैंक	761,48,76,000	(i) अन्द्रीय सरकार को	
(ii) भनुसूचित राज्य सहकारी बैंक	14,04,82,000	(ii) राज्य सरकारों को	81,77,18,000
(iii) और अनुसूचित राज्य सहकारी बैंक	1,22,90,000	ऋण और प्रग्रहण :—	
(iv) अन्य बैंक	65,20,000	(i) अनुसूचित वाणिज्य बैंकों को†	97,64,12,000
		(ii) राज्य सहकारी बैंकों को††	245,93,30,000
		(iii) दूसरों को	2,68,40,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से ऋण, प्रग्रहण और निवेश	
(क) ऋण और प्रग्रहण :—			
		(i) राज्य सरकारों को	66,91,24,000
		(ii) राज्य सहकारी बैंकों को	18,76,77,000
		(iii) केन्द्रीय भूमिकाधक बैंकों को	
		(iv) कृषि पुनर्वित निगम को	34,00,00,000

देयताएँ	रुपये	आस्तिया	रुपये
(ग) अन्य	76,50,06,000	(ज) केन्द्रीय भूमिकार्थक बैंकों के डिवेल्परों में निवेश राष्ट्रीय कृषि कृषि (भित्तीकरण) निधि से कृषि और प्रग्राम	11,26,93,000
देय बिल	118,96,41,000	राज्य महकारी बैंकों का कृषि और प्रग्राम राष्ट्रीय शौधांगिक कृषि (वीर्धकालीन क्रियाएँ) निधि से	60,32,28,000
अन्य देयताएँ	416,97,78,000	कृषि प्रग्राम और निवेश (क) विकास बैंक को कृषि और प्रग्राम	141,40,59,000
		(ख) विकास बैंक द्वारा जारी किये गये बाटों/डिवेल्परों में निवेश	..
		अन्य आस्तिया	51,90,04,000
	रुपये	2142,92,70,000	रुपये

*नकदी, आवधिक जमा और ग्राम्यकालीन प्रतिभूतिया शामिल है।

**राष्ट्रीय कृषि कृषि (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय शौधांगिक कृषि (दीर्घकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं है।

③राष्ट्रीय कृषि कृषि (दीर्घकालीन क्रियाएँ) निधि से प्रदत्त कृषि और प्रग्राम शामिल नहीं है, परन्तु राज्य मरकारों को विये गये ग्राम्यकालीन शौधकराफट शामिल है।

+रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17(4)(ग) के अधीन प्रत्युचित व्यापारियों वैंकों को मीयादी विलों पर प्रग्राम दिये गये 6,00,00,000 रुपये शामिल है।

₹राष्ट्रीय कृषि कृषि (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि कृषि (भित्तीकरण) निधि से प्रदत्त कृषि और प्रग्राम शामिल नहीं है।

मारीक्र 5 दिसम्बर, 1973

प्रम. जगन्नाथन, गवर्नर

[मंफ० 1(1) 73 श०ओ० I]

S.O. 3587.—An Account pursuant to the RESERVE BANK OF INDIA, ACT 1934 for the week ended the 30th day of November, 1973

ISSUE DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Notes held in the Banking		Gold Coin and Bullion :-	
Department	34,77,93,000	(a) Held in India	182,53,08,000
		(b) Held outside India . . . . .	..
Notes in circulation	5590,13,84,000	Foreign Securities	101,73,97,000
Total Notes issued	5624,91,77,000	Total	284,27,05,000
		Rupee Coin	10,30,70,000
		Government of India	
		Rupee Securities	5330,34,02,000
		Internal Bills of Exchange and other commercial paper . . . . .	..
Total Liabilities	5624,91,77,000	Total Assets	5624,91,77,000

Dated the 5th December, 1973

S. Jagannathan, Governor,

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 30th November, 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	34,77,93,000
Reserve Fund	150,00,00,000	Rupee Coin	6,94,000
		Small Coin	3,54,000
National Agricultural Credit (Long Term Operations) Fund	239,00,00,000	Bills Purchased and Discounted:— (a) Internal	55,45,83,000
National Agricultural Credit (Stabilisation) Fund	85,00,00,000	(b) External . . . . .	..
National Industrial Credit (Long Term Operations) Fund	205,00,00,000	(c) Government Treasury Bills	278,34,80,000
Deposits :—		Balances Held Abroad*	222,13,90,000
(a) Government		Investments**	749,48,91,000
(i) Central Government	55,44,18,000	Loans and Advances to :—	
(ii) State Governments	13,62,59,000	(i) Central Government . . . . .	..
(b) Banks		(ii) State Governments @	81,77,18,000
(i) Scheduled Commercial Banks	761,48,76,000	Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	14,04,82,000	(i) Scheduled Commercial Banks†	97,64,12,000
(iii) Non-Scheduled State Co-operative Banks	1,22,90,000	(ii) State Co-operative Banks‡	245,93,30,000
(iv) Other Banks	65,20,000	(iii) Others	2,68,40,000
(c) Others	76,50,06,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
Bills Payable	118,95,41,000	(a) Loans and advances to :—	
		(i) State Governments	66,91,24,000
		(ii) State Co-operative Banks	18,76,77,000
		(iii) Central Land Mortgage Banks . . . . .	..
		(iv) Agricultural Refinance Corporation	34,00,00,000
		(b) Investment in Central Land Mortgage Bank Debentures	11,26,93,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	60,32,28,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	131,40,49,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
Other Liabilities	416,97,78,000	Other Assets	51,90,04,000
Rupees	2142,92,70,000	Rupees	2142,92,70,000

*Includes Cash, Fixed Deposits and Short term Securities.

**Excluding Investment from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 6,00,00,000 advanced to scheduled commercial banks against usance bills under Section 17(1)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of December, 1973.

S. Jagannathan, Governor
[No. F. 1(1) 73-B.O.I]

का०ग्रा० 3588.—रिजर्व बैंक ग्रांफ इंडिया अधिनियम, 1934 के अनुसरण में विसंवर 1973 की 7 तारीख की समाप्त हुए सत्ताह के लिए लेखा
इयू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	14,50,18,000		सोने का सिक्का और बुलियन		
			(क) भारत में रखा हुआ	182,53,08,000	
संचलन में नोट	5688,13,00,000		(ख) भारत के बाहर रखा		
			हुआ		
			विदेशी प्रतिमूलियां	101,73,97,000	
जारी किए गये कुल नोट		5702,63,18,000			
			जोड़		284,27,05,000
			रुपये का सिक्का		8,01,42,000
			भारत सरकार की रुपया प्रति-		
			भूतियाँ		5410,34,71,000
			देशी विनियम बिल और दूसरे		
			वाणिज्य पञ्च		
कुल देयताएं		5702,63,18,000	कुल आस्तियां		5702,63,18,000

तारीख : 12 दिसम्बर, 1973

एस० जगन्नाथन, गवर्नर

7 विसंवर 1973 की रिजर्व बैंक ग्रांफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएं	रुपये	आस्तियां	रुपये
चुकता पूंजी	5,00,00,000	नोट	14,50,18,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	2,62,000
राष्ट्रीय छपि ऋण (दीर्घकालीन क्रियाएं) निधि	239,00,00,000	छोटा सिक्का	3,47,000
		खरीद और भुनाएं गये बिल	
राष्ट्रीय छपि ऋण (स्थिरोकरण) निधि	85,00,00,000	(क) वेशी	62,73,54,000
		(ख) विदेशी	
राष्ट्रीय घौमोशिक ऋण (दीर्घकालीन क्रियाएं) निधि	205,00,00,000	(ग) सरकारी खजाना बिल	195,43,62,000
		विदेशों में रखा हुआ बकाया*	227,45,53,000
जमा राशियां :—		निवेश**	780,21,21,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार	52,17,59,000	(i) केन्द्रीय सरकार को	..
(ii) राज्य सरकारें	14,86,16,000	(ii) राज्य सरकारों को @	108,82,15,000
(ख) बैंक		ऋण और अग्रिम :—	
(i) अनुसूचित वाणिज्य बैंक	844,02,57,000	(i) अनुसूचित वाणिज्य बैंकों को †	173,79,12,000
(ii) अनुसूचित राज्य सहकारी बैंक	13,86,47,000	(ii) राज्य सहकारी बैंकों को ‡	251,13,60,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,30,30,000	(iii) दूसरों को	3,13,65,000
(iv) ग्राम बैंक	80,80,000	राष्ट्रीय छपि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण,	
		अग्रिम और निवेश	
		(क) ऋण और अग्रिम :—	
		(i) राज्य सरकारों को	66,91,23,000
		(ii) राज्य सहकारी बैंकों को	18,63,26,000
		(iii) केन्द्रीय भूमिकान्धक बैंकों को	..
		(iv) छपि पुर्जित निगम को	34,00,00,000

देयताएं	रुपये	आस्तिया	रुपये
(ग) प्रथ्य	71,30,68,000	(ए) केन्द्रीय भूमिकालीन बैंकों के दिवेंचरों में निवेश राष्ट्रीय हृषि ऋण '(स्थिरीकरण) निधि से ऋण भीर अप्रिम	11,26,93,000
देय विल	89,88,78,000	राज्य सहकारी बैंकों को ऋण भीर अप्रिम	60,26,61,000
प्रथ्य देयताएं	423,45,18,000	राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण अप्रिम भीर निवेश	
		(क) विकास बैंक को ऋण भीर अप्रिम	135,61,20,000
		(ख) विकास बैंक द्वारा जारी किये गये बोडों/डिवेंचरों में निवेश	
		प्रथ्य आस्तिया	51,50,62,000
	रुपये 2,195,48,54,000		रुपये 2,195,48,54,000

*नकदी, भावधिक जमा भीर भल्पकालीन प्रतिभूतिया शामिल है।

**राष्ट्रीय हृषि ऋण (दीर्घकालीन क्रियाएं) निधि भीर राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय हृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण भीर अप्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये प्रस्थायी भोवरड्राफ्ट शामिल हैं।

+रिजर्व बैंक भाँक इंडिया अधिनियम की घारा 17(4)(ग) के भावीन भनुसूचित वाणिज्य बैंकों को भीयादी बिलों पर अप्रिम दिये गये 2,45,00,000 रुपये शामिल हैं।

*राष्ट्रीय हृषि ऋण (दीर्घकालीन क्रियाएं) निधि भीर राष्ट्रीय हृषि ऋण (स्थिरीकरण) निधि से प्रदत्त भीर ऋण भीर अप्रिम शामिल नहीं है।

तारीख : 12 दिसंबर, 1973

एस० जगज्ञायन, गवर्नर
[स० फ० 1(i)/73—वी० भ्र० I]
च० बा० सीरचन्द्रानी, भवर सचिव

S.O. 3588.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 7th day of December 1973.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking			Gold Coin and Bullion :—		
Department	14,50,18,000		(a) Held in India	182,53,08,000	
Notes in circulation	5,688,13,00,000		(b) Held outside India		
Total Notes issued	5,702,63,18,000		Foreign Securities	101,73,97,000	
			Total	284,27,05,000	
			Rupee Coin		8,01,42,000
			Government of India		
			Rupee Securities		5,410,34,71,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities	5,702,63,18,000		Total Assets		5,702,63,18,000

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 7th December 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	14,50,18,000
Reserve Fund	150,00,00,000	Rupee Coin	2,62,000
National Agricultural Credit (Long Term Operations) Fund	239,00,00,000	Small Coin	3,47,000
National Agricultural Credit (Stabilisation) Fund	85,00,00,000	Bill Purchased and Discounted	62,73,54,000
National Industrial Credit (Long Term Operations) Fund	205,00,00,000	(a) Internal	195,43,62,000
Deposits :—		(b) External	227,45,53,000
(a) Government		(c) Government Treasury Bills	780,21,21,000
(i) Central Government	52,17,59,000	Balances Held Abroad* . . . . .	..
(ii) State Governments	14,86,16,000	Investments**	108,82,15,000
(b) Banks		Loans and Advances to :—	
(i) Scheduled Commercial Banks	844,02,57,000	(i) Central Government	173,79,12,000
(ii) Scheduled State Co-operative Bank	13,66,47,000	(ii) State Governments @	251,13,60,000
(iii) Non-Scheduled State Co-operative- Banks		(iii) Others	3,13,65,000
(iv) Other Banks	1,30,30,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(c) Others	71,30,69,000	(a) Loans and Advances to :—	
Bills Payable	89,88,78,000	(i) State Governments	66,91,23,000
		(ii) State Co-operative Banks	18,63,26,000
		(iii) Central Land Mortgage Banks . . . . .	..
		(iv) Agricultural Refinance Corporation	34,00,00,000
		(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	11,26,93,000
Other Liabilities	423,45,18,000	Loans and Advances to State Co-operative Banks	60,26,61,000
		Loans, Advances and Investment from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	135,61,20,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
Rupees	2,195,48,54,000	Other Assets	51,50,62,000
		Rupees	2,195,48,54,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 2,45,00,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act,

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of December 1973.

S. JAGANNATHAN, Governor

[No. F. 1(1)/73 -B. O. I]
C. W. MIRCHANDANI, Under Secy.

केंद्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 30 जुलाई, 1973

(प्राय-कर)

का० आ० 3589.—ग्रायकर भ्रष्टनियम 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय प्रत्यक्ष कर बोर्ड यह नियम देता है कि इस बाबत पहले फौ अधिसूचनाओं को अधिकान्त करते हुए ग्रायकर आयुक्त पटियाला I और II पटियाला संपरीक्षा कार्य से सम्बंधित कृत्य नहीं करेगा और अपर ग्रायकर आयुक्त पटियाला, पटियाला I और II भारताधनों की बाबत पूर्वोक्त कृत्य करेगा।

यह अधिसूचना 1 ग्राहक 1973, से प्रभावी होगी।

[सं० 425 (का० सं० 187/15/73-प्राई टी (ए प्राई)]

एम० कै० पैठ, भवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 30th July, 1973

(Income-tax)

S.O. 3589.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in supersession of the earlier Notifications in this respect the Commissioner of Income-tax, Patiala I & II, Patiala shall not perform the functions relating to audit work and the Additional Commissioner of Income-tax, Patiala shall perform the aforesaid functions in respect of Patiala I & II charges.

This notification shall take effect from 1st August, 1973.

[No. 425 (F. No. 187/15/73-IT(AI)]

M. K. PANDEY, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 29 दिसम्बर, 1973

का० आ० 3590.—नियर्ति (ग्रणवत्ता नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22 वा०) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एसड़इवारा दि० तमिलनाडू, वैअर हाउसिंग कार्पोरेशन (तमिल नाडू, सरकार द्वारा प्रायोजित उपक्रम) मकान को सेल निकली चावल की भूसी के, उसके नियर्ति से पूर्व, ग्रणवत्ता नियंत्रण तथा निरीक्षण के लिए अभिकरण के रूप में एक वर्ष की अवधि के लिए मान्यता दूरी है और यह निवृत्ति वृत्ति है कि भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3608 विनांक 16 नवम्बर, 1965 में और आगे निम्नलिखित संशोधन किया जाएगा, यथा :—

उक्त अधिसूचना में, क्रम सं. 13 तथा तत्संबंधी प्रविष्टि के बाबू निम्नलिखित अन्तःस्थापित दिया जाएगा, यथा :—

“14. वि तमिलनाडू, वैअर हाउसिंग कार्पोरेशन (तमिलनाडू, सरकार द्वारा प्रायोजित उपक्रम) 9/10, मूर स्ट्रीट, मद्रास-600001.”

[सं० 5(2)/72-हृ आई एण्ड हृ पी]

MINISTRY OF COMMERCE

New Delhi, the 29th December, 1973

S.O. 3590.—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year, the Tamil Nadu Warehousing Corporation (a Government of Tamil Nadu sponsored Undertaking), Madras as the Agency for quality control and inspection of de-oiled rice bran prior to its export and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Commerce No. S.O. 3608 dated the 16th November, 1965, namely :—

In the said notification, after Serial No. 13 and the entry relating thereto, the following shall be inserted namely :—

“14. The Tamil Nadu Warehousing Corporation (A Government of Tamil Nadu Sponsored Undertaking) 9/10, Moore Street, MADRAS-600001.”

[No. 5(2)/72-EI&EP]

का० आ० 3591.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) भ्रष्टनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार जूट उत्पाद नियर्ति (निरीक्षण) नियम, 1970 में और संशोधन करने के लिये निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम जूट उत्पाद-नियर्ति (निरीक्षण) त्रिवीय संशोधन नियम, 1973 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रत्यक्ष होने।

2. जूट उत्पाद-नियर्ति (निरीक्षण) नियम, 1970 में :—

(क) नियम 13 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

13. निरीक्षण फीस—जूट उत्पादों के निरीक्षण के लिए निरीक्षण फीस के रूप में निम्नलिखित वरों पर फीस संबंध की जाएगी —

(i) कालीम के पीछे लगाने का कपड़ा 5.75 रु० प्रति मीट्रिक टन

(ii) हैमियर का कपड़ा/बोरी 3.30 रु० प्रति मीट्रिक टन

(iii) टाट का कपड़ा/बोरी 1.65 रु० प्रति मीट्रिक टन

(ब) नियम 14 के अन्य स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

14. परीक्षणों के आधार पर निरीक्षण—यदि किसी समय, किसी कारणवश ऊपर के नियम 3 से 7 तक के उपर्योग के अनुसार प्रक्रिया के दौरान क्वालिटी नियंत्रण और निरीक्षण के उपायों को कार्यान्वयन करने में कोई कठिनाई हो तो पीतलदान पूर्व निरीक्षण निम्नलिखित प्रक्रिया के अनुसार परेषनों के आधार पर किया जाएगा :—

(i) मिल नियर्ति-कर्ता, परिषद को उम परिस्थितियों की लिखित सूचना देगा जिनके अधीन नियम 3 से 7 तक के उपर्योगों का पालन नहीं किया जा सकता; और

(ii) परिषद ऐसे निरीक्षण और सरयापन के प्रकार जैसा भी आवश्यक समझा जाए जूट के माल के अलग-अलग विवर संविदामानों के लिए लाव वर लाट के आधार पर, निरीक्षण भी अनुमता दे सकेगी।

(iii) ऐसे निरीक्षण के लिए निरीक्षण फीस नियम 13 के अधीन विस्तृत वरों से दुगुनी ली जाएगी।

(ग) विषमान नियम 14 को नियम 15 के रूप में पुनः संव्याकित किया जाएगा।

[सं० 6(18)/72-नि० वि० और नि० सं०]

S. O. 3591.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Jute Products (Inspection) Rules, 1970 namely:—

1. (i) These rules may be called the export of Jute Products (Inspection) Second Amendment Rules, 1973.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Jute Products (Inspection) Rules, 1970; (a) For rule 13, the following rule shall be substituted namely:—

“13. Inspection fee—Fees at the following rates shall be paid as inspection fees for inspection of Jute Products :—

(i) Carpet Backing Rs. 5.75 per metric ton

(ii) Hessian Cloth/Bag Rs. 3.30 Per metric ton

(iii) Sacking Cloth /Bag Rs. 1.65 per metric ton
others

(b) For rule 14, the following rule shall be substituted namely:—

14. Consignmentwise Inspection—If at any time, there is any difficulty in implementing in-process quality control and inspection measures in accordance with the provisions of rule 3 to 7 above due to any reason, preshipment inspection would be carried out on a consignmentwise basis in accordance with the following procedure :—

(i) The Mill/Exporter shall intimate in writing to the Council the circumstances under which the provisions of rules 3 to 7 can not be adhered to ; and

(ii) The Council after such examination and verification as many be deemed necessary, may permit inspection of jute goods on a lot by lot basis against individual export contracts.

(iii) The inspection fee for such inspection would be charged at double the rates specified under rule 13”.

(c) The existing rule 14 shall be renumbered as 15.

[No. 6(18)/72-EI&EP.]

स. आ. 3592.—नियाति (क्वालिटी) नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 17 इवारा प्रदत्त शर्कितयों का प्रयोग करते हुए, केन्द्रीय सरकार, रंग और सहबद्ध उत्पाद नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अधिकृत :—

1. इन नियमों का नाम रंग और सहबद्ध उत्पाद नियाति (क्वालिटी नियंत्रण और निरीक्षण) द्वितीय संशोधन नियम, 1973 है।

2. ये नियम राजपत्र में प्रकाशन की तारीख के प्रदृश्य होंगे।

3. रंग और सहबद्ध उत्पादनियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में, नियम 8 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अधिकृत :—

6. निरीक्षण फीस.—इन नियमों के अधीन निरीक्षण फीस के रूप में प्रत्येक परेषण के पात्र पर्यन्त निश्चल मूल्य के प्रत्येक एक से रुपए के लिए एक रुपए ती दर से फीस नियासिकर्ता इवारा अधिकरण हो संदर्भ की जाएगी।

[सं. 6(22)/73-प्र. नि. आ० और नि. सं.]

S.O. 3592.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes

the following rules further to amend the Export of Paints and Allied Products (Quality Control and Inspection) Rules 1967, namely:—

1. These rules may be called the Export of Paints and allied products (Quality Control and Inspection) Second amendment Rules, 1973.

2. They shall come into force on the date of their publication in the official gazette.

3. In the Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1967, for rule 6, the following rule shall be substituted, namely:—

“6. **Inspection fee:** A fee at the rate of one rupee for every one hundred rupees of F.O.B. value of each consignment shall be paid by the exporter to the Agency as inspection fee under these rules”.

[No. 6(22)/73-EI&EP]

का०आ० 3593.—यतः भारत के नियाति व्यापार के विकास के लिये नियाति के पूर्व रबड़ के नम्ननामों की तीन और मदों को क्वालिटी नियंत्रण और निरीक्षण के अधीन करने के लिये कठिपय प्रस्ताव, भारत सरकार के मूलभूत विदेश व्यापार मंत्रालय के आदेश सं० का०आ० 1624, तारीख 9 जून, 1973 के अंतर्गत भारत के राजपत्र, ग्रासाधारण, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 9 जून, 1973 के पृष्ठ पर नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उपनियम (2) की अपेक्षानुसार प्रकाशित किये गए थे;

पूर्व यतः उन सभी व्यक्तियों से जिनका उनसे प्रभावित होना सम्भाष्य था 8 जुलाई, 1973 तक प्राक्षेप और सुझाव मांगे गए थे;

पूर्व यतः उक्त राजपत्र जनता को 9 जून 1973 को उपलब्ध करा दिया गया था;

पूर्व यतः उक्त प्राक्षेप के संबंध में जनता से कोई प्राक्षेप और सुझाव प्राप्त नहीं हुए थे;

अतः प्रब, नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवत्त शर्कियों का प्रयोग करते हुए, केन्द्रीय सरकार, नियाति निरीक्षण परिषद् से परामर्श करने के पश्चात्, जिसको यह राय है कि भारत के नियाति व्यापार के विकास के लिये ऐसा करना आवश्यक और समीचीन है, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 1004, तारीख 23 मार्च, 1967 में निम्नलिखित संघोधन करती है, अर्थात् :—

उक्त अधिसूचना में,

(i) उपांच्छ 1 में क्रम सं० 13 और उससे संबंधित प्रविष्टि के पश्चात्, निम्नलिखित क्रम सं० और प्रविष्टियां अंत स्थापित की जाएंगी, अर्थात् :—

14. अधिनियम के नम्ननाम

15. सीमेंट भराई के नम्ननाम

16. गर्म पानी के नम्ननाम।”

(ii) उपांच्छ 2 के स्थान पर, [निम्नलिखित उपांच्छ रखा जाएगा, अर्थात् :—

उबर के नम्ननामों के लिये मानक विनियोग

1 जल-परीक्षाम के नम्ननाम के लिए वीजोवेश

भा०आ० : 444—1968

बुने हुए कपड़े के प्रबसन बाले
खबर के पानी नम्ननाम के लिये
भारतीय मानक विनियोग।

भा०भा० : 913—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के पानी नम्पनाल के लिये भारतीय मानक विनिर्देश

2 जस्त-चूषण के नम्पनाल के लिए विनिर्देश

भा०भा० : 2482—1963

हल्के कामों के लिये रबर के अस-चूषण नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 3549—1965

भारी कामों के लिये जल-चूषण तथा जल-निकास नम्पनाल के लिये भारतीय मानक विनिर्देश।

3 वायु के नम्पनाल के लिए विनिर्देश

भा०भा० : 446—1968

बुने हुए कपड़े के प्रबलन वाले रबर के वायु नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 911—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के वायु नम्पनाल के लिये भारतीय मानक विनिर्देश।

4 टेल-रोटी नम्पनाल के लिए विनिर्देश :

भा०भा० : 635—1968

बुने हुए कपड़े के प्रबलन वाले रबर के तेल तथा विलायक रोटी नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 2396—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के पैट्रोल तथा डीजल हैंडनों के लिये नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 3418—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के तेल तथा विलायक रोटी नम्पनाल के लिये भारतीय मानक विनिर्देश।

5 वैलिंग के नम्पनाल के लिए विनिर्देश :

भा०भा० : 447—1968

बुने हुए कपड़े के प्रबलन वाले रबर के वैलिंग के नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 3572—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के वैलिंग के नम्पनाल के लिये भारतीय मानक विनिर्देश।

6 छिड़काव के नम्पनाल के लिए विनिर्देश :

भा०भा० : 1677—1968

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के कृषि छिड़काव के नम्पनाल के लिये भारतीय मानक विनिर्देश।

7 रेहियेटर के नम्पनाल के लिए विनिर्देश :

भा०भा० : 2765—1964

रेहियेटर के नम्पनाल के लिये भारतीय मानक विनिर्देश।

8 ग्रिल-शम्मन के नम्पनाल के लिए विनिर्देश

भा०भा० : 2410—1963

ग्रिल-शम्मन सेवाओं के लिये रबर के कूषण नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 5132—1969

ग्रिल-शम्मन के लिये नम्पनाल रील ट्यू-बिंग के लिये भारतीय मानक विनिर्देश।

भा०भा० : 884—1969

स्थिर रूप से लगाने के लिये प्रथमोपचार नम्पनाल रील के लिये भारतीय मानक विनिर्देश।

भा०भा० : 636—1962

रबर के प्रस्तर वाले बुने हुए जाकेट के लिये भारतीय मानक विनिर्देश।

9 सीमेंट भराई के नम्पनालों के लिए विनिर्देश

भा०भा० : 5137—1969

बुने हुए कपड़े के प्रबलन वाले रबर के सीमेंट भराई के नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 5166—1969

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के सीमेंट भराई के नम्पनाल के लिये भारतीय मानक विनिर्देश।

10 गर्म पानी ने नम्पनाल के लिए विनिर्देश :

भा०भा० : 5937—1970

गोलाई में बुने हुए कपड़े के प्रबलन वाले रबर के गर्म पानी के नम्पनाल के लिये भारतीय मानक विनिर्देश।

भा०भा० : 5831—1970

बुने हुए कपड़े के प्रबलन वाले रबर के गर्म पानी के नम्पनाल के लिये भारतीय मानक विनिर्देश।

टिप्पणी : यदि ऊपर विनिर्दिष्ट किसी भी नम्पनाल के बारे में भारतीय मानक संस्था द्वारा सम्बन्धित विनिर्देशों में बाद में कोई परिवर्तन किया जाता है, तो ऐसे नम्पनाल को लागू होने वाले विनिर्देश वे होंगे, जो ऐसे परिवर्तनों में से सबसे बाद के हैं, ऊपर यथा दर्शात तसंस्मन्दी प्रविष्टि में वर्णित विनिर्देश नहीं।

[सं० 6 (36)/72-निनि० और नि सं०]

S.O.3593.—Whereas for the development of export trade of India certain proposals for subjecting 3 additional items of rubber hoses to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, at pages . . . of the Gazette on India—part II-Section 3—sub-section (ii), Extra-Ordinary, dated the 9th June, 1973 under the order of the Government of India in the late Ministry of Foreign Trade, No. S.O. 1624, dated the 9th June, 1973;

And whereas objections and suggestions were invited till 8th July, 1973 from all persons likely to be affected thereby;

And whereas the said Gazette was made available to the public on the 9th June, 1973;

And whereas no objections and suggestions were received from the public on the said draft.

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby, makes the following amendment to the notification of the Government of India in the Ministry of Commerce No. S.O. 1004 dated the 23rd March, 1967, namely:—

In the said notification—

(i) in Annexure I, after, serial No. 13 and the entry relating thereto, the following serial Nos. and entries shall be inserted, namely:—

"14. Fire Fighting Hose.

15. Cement Grouting Hose.

16. Hot Water Hose."

(ii) for Annexure II, the following Annexure shall be substituted, namely:—

"Standard Specifications for Rubber Hoses.

1. Specification for water delivery hose :

IS : 444-1968 : Indian Standard Specification for water hose of rubber with woven textile reinforcement.

IS : 913-1968 : Indian Standard Specification for water hose of rubber with braided textile reinforcement.

2. Specification for water suction hose :

IS : 2482-1963 : Indian Standard Specification for Water suction hose of rubber, light duty.

IS : 3549-1965 : Indian Standard Specification for Water suction and discharge hose of rubber, heavy duty.

3. Specification for air hose :

IS : 446-1968 : Indian Standard Specification for Air hose of rubber with woven textile reinforcement.

IS : 911-1968 : Indian Standard Specification for Air hose of rubber with braided textile reinforcement.

4. Specification for Oil resistant hose :

IS : 635-1968 : Indian Standard Specification for Oil and solvent resistant hose of rubber with woven textile reinforcement.

IS : 2396-1968 : Indian Standard Specification for Rubber hose for Petrol and Diesel fuels with braided textile reinforcement.

IS : 3418-1968 : Indian Standard Specification for Oil and solvent resistant hose of rubber with braided textile reinforcement.

5. Specification for Welding hose :

IS : 447-1968 : Indian Standard Specification for Welding hose of rubber with woven textile reinforcement.

IS : 3572-1968 : Indian Standard Specification for Welding hose of rubber with braided textile reinforcement.

6. Specification for Spray hose :

IS : 1677-1968 : Indian Standard Specification for Agricultural spray hose of rubber with braided textile reinforcement.

7. Specification for Radiator hose :

IS : 2765-1964 : Indian Standard Specification for radiator hose.

8. Specification for Fire Fighting hose :

IS : 2410-1963 : Indian Standard Specification for Suction hose of rubber for fire services.

IS : 5132-1969 : Indian Standard Specification for Hose reel tubing for fire fighting.

IS : 884-1969 : Indian Standard Specification for first aid hose reel for fixed installation.

IS : 636-1962 : Indian Standard Specification for Rubber lined woven jacketed.

9. Specification for Cement Grouting hose :

IS : 5137-1969 : Indian Standard Specification for Cement Grouting Hose of rubber with woven textile reinforcement.

IS : 5166-1969 : Indian Standard Specification for Cement Grouting Hose of rubber with braided textile reinforcement.

10. Specification for Hot Water hose :

IS : 5937-1970 : Indian Standard Specification for Hot Water hose of rubber with braided textile reinforcement.

IS : 5821-1970 : Indian Standard Specification for Hot Water hose of rubber with woven textile reinforcement.

Note : If in respect of any House specified above, there are any later versions to the relevant specifications by the Indian Standards Institution, the specifications applicable to such Hose shall be the latest of such versions and not the specifications mentioned in the corresponding entry as shown above."

[No. 6(36)/72-EI & EP.]

क्रा० आ० 3594—नियाति (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, रबर के नम्पनालों का नियाति (निरीक्षण) नियम, 1967 में और संशोधन करने के लिये सम्मिलित नियम बनाती है, अर्थात् :—

(1) इस नियमों का नाम रबर के नम्पनालों का नियाति (निरीक्षण) द्वितीय संशोधन नियम, 1973 है।

(2) ये 29 जनवरी, 1974 को प्रभुत होंगे।

2. रबर के नम्पनालों का नियाति (निरीक्षण) नियम, 1967 की अनुसूची में, क्रम सं० 13 और उससे सम्बन्धित प्रविधि के पश्चात् नियम-लिखित ओड़ा जायेगा, अर्थात् :—

"14. अभिनवमन के नम्पनाल

15. सीमेंट भराई के नम्पनाल

16. गर्म पानी के नम्पनाल।"

[सं० 6(36)/72-नि० भौंगर नि० सं०]

S.O. 3594.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Rubber Houses (Inspection) Rules, 1967, namely:—

(1) These rules may be called the Export of Rubber Hoses (Inspection) Second Amendment Rules, 1973.

(2) These shall come into force on 29th January, 1974.

2. In the Schedule to the Export of Rubber Hoses (Inspection) Rules, 1967, after serial No. 13 and the entry relating thereto, the following shall be inserted, namely:—

"14. Fire Fighting Hoses

15. Cement Grouting Hose

16. Hot Water Hose."

[No. 6 (36)/72-EI & EP.]

का ग्रा० 3595.—नियर्ति (भालिटी नियंत्रण और निरीक्षण), अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के बाणिज्य मंत्रालय की अधिसूचना सं० का० ग्रा० 496, तारीख 25 मार्च, 1967 में निम्नलिखित संशोधन करती है, भर्यत्:—

उक्त अधिसूचना की अनुसूची 2 में, कम सं० 13 और उससे संबंधित प्रतिलिपि के पश्चात् निम्नलिखित जोड़ा आएगा, भर्यत्:—

14. अभिनवन के नम्पनाल

15. सीमेंट भराई के नम्पनाल

16. गर्म पानी के नम्पनाल।"

2. यह अधिसूचना 29 जनवरी 1974 को प्रवृत्त होगी।

म०कु०ब० भट्टनागर, भवर सचिव

[सं० 6(36)/72-नि० नि० भार नि० स०]

S.O. 3595.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 496 dated the 23rd March, 1967, namely:—

In the said notification, in Schedule II, after serial No. 13 and the entry relating thereto, following shall be added, namely:—

"14. Fire Fighting Hose

15. Cement Grouting Hose

16. Hot Water Hose."

2. This notification shall come into force on the 29th January, 1974.

[No. 6(36)/72-EI & EP.]

M. K. B. BHATNAGAR, Under Secy.

मूल्य नियंत्रण, आयात-निर्यात का कार्यालय, नई दिल्ली

आवैश्य

नई दिल्ली, 21 नवम्बर, 1973

का. आ. 3596.—सर्वश्री हिन्दुस्तान स्टील लि., भिलाई इस्पात संयंत्र, भिलाई को 2,50,000/- रुपये (दो लाख पचास हजार रुपये मात्र) के लिए एक आयात लाइसेंस सं० 1047459/सी/एक्स एक्स/41/एच/33-34, विनांक 9-11-1971 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की मूल विनिमय नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मूल विनिमय नियंत्रण प्रति अनुलिपि में सीमाशूलक प्राधिकारीयों से पंजीकृत कराई गई है और उस का आंशिक उपयोग किया गया था। उसका उपयोग 2,21,593 रुपये के लिए कर लिया था और 17-9-1973 को उस पर 28,407 रुपये का उपयोग करना शुष्ठि था।

2. इस तर्फ के समर्थन में आवैश्यक ने नोटरी दिल्ली से एक प्रमाण-पत्र के साथ एक शपथ पत्र दाखिल किया है। तस्नुसार में संतुष्ट हूँ कि उक्त लाइसेंस की मूल मूल विनिमय नियंत्रण प्रति खो गई है। इसीलिए यथा संशोधित आयात (नियंत्रण) आवैश्य, 1955 विनांक 7-12-1955 की उप-धारा 9 (सी सी) इसारा प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री भिलाई इसारा संयंत्र को जारी किये गये लाइसेंस सं० 1047459/सी/एक्स एक्स/41/एच/33-34 विनांक 9-11-1971 की मूल मूल विनिमय नियंत्रण प्रति एक्स-इसारा रद्द की जाती है।

3. उक्त लाइसेंस की मूल विनिमय नियंत्रण प्रति की अनुलिपि लाइसेंसधारी को अलग से जारी की जा रही है।

[सं. एच एस एल/बी-5/71-72/पी एस ए]

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS & EXPORTS

ORDER

New Delhi, the 21st November, 1973

S.O. 3596.—M/s. Hindustan Steel Ltd., Bhilai Steel plant, Bhilai were granted an import licence No. 104/459-c/xx/41/h/33-34 dated 9-11-1971 for Rs. 2,50,000/- (Rupees Two lakhs and fifty thousand only). They have applied for the issue of a duplicate Exchange Control Purposes copy of the said licence on the ground that the original Exchange Control Purposes copy has been lost/misplaced. It is further stated that the original Exchange Control copy was registered with the Customs authorities at Bombay and was utilised partly. It was utilised for Rs. 2,21,593 and the balance available on it was Rs. 28,507/- as on 17-9-1973.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Notary Delhi. I am accordingly satisfied that the original Exchange Control Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Exchange Control Purposes copy of licence No. 1047459/c/xx/41/h/33-34 dated 9-11-1971 issued to M/s. Bhilai Steel Plant is hereby cancelled.

3. A duplicate Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. HSL/B-5/71-72/PLS AJ]

आवैश्य

नई दिल्ली, 3 दिसम्बर, 1973

का. आ. 3597.—सर्वश्री जयहिन्द्य अपार्जिट शारदा बाग, राजकोट (गुजरात) को 3,99,000/- रुपये (तीन लाख निन्नावं हजार रुपये मात्र) के लिए एक आयात लाइसेंस सं० 1047459/पी/ए/1395093 सी/य० आर/48/एच/37-38 विनांक 20-8-1973 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमाशूलक निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशूलक निकासी प्रति खो गई है। यह भी उल्लेख किया गया है कि मूल सीमाशूलक निकासी प्रति किसी भी सीमाशूलक कार्यालय में पंजीकृत नहीं कराई थी। इसका बिल्कुल भी उपचार नहीं किया था और इस पर 26-11-73 को 3,99,000 रुपये का उपयोग करना शुष्ठि था।

2. इस तर्फ के समर्थन में आवैश्यक ने ताल्लुका मरिजस्ट्रेट, राजकोट से एक प्रमाणपत्र के साथ शपथ पत्र दाखिल किया है। तस्नुसार में संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशूलक निकासी प्रति खो गई है इसीलिए यथा संशोधित आयात (नियंत्रण) आवैश्य,

1955, दिनांक 7-12-1955 की उपधारा 9(सी सी) इवारा प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री जयीहन्दू, राजकोट को जारी किया गये लाइसेन्स सं. पी/ए/1395093/सी/यू आर/48/एच/37-38 दिनांक 20-8-73 की उक्त मूल सीमा-शुल्क निकासी प्रति एतद्वयाग रद्द की जारी है।

3. उक्त लाइसेन्स की सीमा-शुल्क निकासी प्रति की अनुलिपि लाइसेन्सधारी को अलग से जारी की जा रही है।

[सं. 44-शी//वी. पी-134/73-74/एन पी सी आई शी]

ORDER

New Delhi, the 3rd December, 1973

S.O. 3597.—M/s. Jai Hind, Opp. Sharda Bag, Rajkot, (Gujrat), were granted an import licence No. P/A/1395093/C/UR/48/H/37-38, dated 20-8-1973 for Rs. 3,99,000/- (Rupees Three lakh and Ninety Nine Thousand only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost/misplaced. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Nil. Bank Ltd., Nil utilised and utilised fully/partly. It was utilised for Rs. Nil and the balance available on it was Rs. 3,99,000/- as on 26-11-1973.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Taluka Magistrate, Rajkot. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. P/A/1395093/C/UR/48/H/37-38, dated 20-8-1973, issued to M/s. Jai Hind Rajkot, is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. 44-V/BP-134/73-74/NPCIB]

आवेदन

का. आ. 3598.—सर्वश्री भारत राज्य व्यापार निगम लि., नई दिल्ली को 99250/- रुपये (निन्यानवे हजार दो सौ पचास रुपये मात्र) के लिए एक आयात लाइसेंस संख्या जी/जे/3039648/सी/पी आर/48/एच/37-38 दिनांक 4-9-73 प्रदान किया गया था। उन्होंने उक्त उप लाइसेंस की अनुलिपि सीमा-शुल्क प्रयोजन प्रति के लिये इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क प्रयोजन प्रति खो गई है/अस्थानस्थ हो गई है। आगे यह बताया गया है कि सीमा-शुल्क प्रयोजन प्रति बम्बू सीमा-शुल्क प्राधिकारियों के पास पंजीकृत थी और उसका उपयोग कछु भी नहीं किया गया था और सर्वश्री जागरन कानपुर के नाम में जारी किये प्राधिकार पश्च में 99250 रुपये शेष उपलब्ध थे।

उपने इस तर्क के समर्थन में आवेदक ने नोटरी परिवर्तक थू. टी. विली के एक प्रमाण पत्र के साथ एक शपथ पत्र जमा किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त उप लाइसेंस की मूल सीमा-शुल्क प्रयोजन प्रति खो गई है। इसलिये यथा संशोधित (नियंत्रण) आवेदन, 1955 दिनांक 7-12-1955 की उप-धारा 9(सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री भारत राज्य व्यापार निगम लि., नई दिल्ली को जारी किये गये लाइसेंस सं. जी/जे/3039648 दिनांक 4-9-73 की भूल सीमा-शुल्क प्रयोजन प्रति को एतद्वयारा रद्द किया जाता है।

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लाइसेन्सधारी को उक्त उप लाइसेंस की अनुलिपि सीमा-शुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[संख्या 44-शी/वी. पी. एस टी सी-313/73-74/
एन पी सी आई वी/688]

ORDER

S.O. 3598.—M/s. The State Trading Corporation of India Ltd., New Delhi, were granted an import sub-licence No. G/I/3039648/C/PR/48/H/37-38 dated 4-9-73 for Rs. 99250/- (Rupees ninety nine thousand two hundred and fifty only). They have applied for the issue of a duplicate Customs Purposes copy of the said sub-licence on the ground that the original Customs Purposes copy have been lost/misplaced. It is further stated that original Customs Purposes copy was registered with the Customs authorities at Bombay. It was utilised for Rs. Nil and the balance available on it was Rs. 99250/- as on from M/s Jagran Kanpur in whose favour Letter of Authority was issued.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Notary Public, U.T. Delhi. I am accordingly satisfied that the original Customs Purposes copy of the said Sub-licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. G/I/3039648 dated 4-9-1973, issued to M/s. The State Trading Corporation of India Ltd. New Delhi is being issued separately to the licensee.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. 44-V/BP. STC-313/73-74/NPCIB/688]

आवेदन

का. आ. 3599.—सर्वश्री श्री अरविन्दाज एक्शन (उत्तराया) 7, जवाहरलाल नेहरू स्ट्रीट, पांडेचरी-2 को 1073 रुपये (एक हजार तिहात रुपये मात्र) के लिये एक आयात लाइसेंस सं. पी/ए/1377956 सी/एक्स एक्स/47/एच/35-36 दिनांक 28-5-73 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रयोजन/मद्रा विनिमय नियंत्रण प्रयोजन के लिये इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क प्रयोजन/मद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई/अस्थानस्थ हो गई है। आगे यह बताया गया है कि मूल सीमा-शुल्क प्रयोजन प्रति बम्बू सीमा-शुल्क प्राधिकारियों के पास पंजीकृत कराया गया था। इसका कछु भी उपयोग नहीं किया गया था और इस पर 1073 रुपये (एक हजार तिहात रुपये मात्र) शेष उपलब्ध था।

2. इस तर्क के समर्थन में आवेदक ने नोटरी परिवर्तक, पांडे चरी के एक प्रमाण पत्र के साथ एक शपथ पत्र दारिद्र्य किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा-शुल्क प्रयोजन/मद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई है। इसलिये, यथा संशोधित आयात (नियंत्रण) आवेदन, 1955 दिनांक 7-12-1955 की उप-धारा 9(सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री श्री अरविन्दाज एक्शन पांडे चरी को जारी किये गये लाइसेंस सं. पी/ए/1377956 दिनांक 28-5-73 की उक्त मूल सीमा-शुल्क प्रयोजन/मद्रा विनिमय नियंत्रण प्रयोजन प्रति को एतद्वयारा रद्द किया जाता है।

3. लाइसेन्सधारी को उक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रयोजन/मद्रा विनिमय नियंत्रण प्रयोजन प्रति अलग से जारी की जा रही है।

[संख्या 44 शी/एस-8/73-74/एन पी सी आई वी/688]

ORDER

S.O. 3599.—M/s. Shri Aurobindo's action (Oriya) 7, Jawahar Lal Nehru Street, Pondicherry-2 were granted an import licence No. P/A/1377956/C/XX/47/H/35-36 dated 28-5-1973 for Rs. 1,073/- (Rupees One thousand and seventy three only). They have applied for the issue of a duplicate Customs Purposes/Exchange Control Purposes copy of the said licence on the ground that the original Customs Purposes/Exchange Control Purposes copy have been lost/misplaced. It is further stated that the original Customs Purposes/Exchange Control copy was registered with the Customs authorities at the port. It was utilised for Nil and the balance available on it was Rs. 1,073/- (Rs. One thousand and seventy three only).

2. In support of this contention the applicant has filed an affidavit along with a certificate from Notary Public, Pondicherry. I am accordingly satisfied that the original Customs Purposes/Exchange Control Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes/Exchange Control Purposes copy of licence No. P/A/1377956 dated 28-5-1973 issued to M/s. Shri Aurobindo's action, Pondicherry, is hereby cancelled.

3. A duplicate Customs Purposes/Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. 44-V/S-8/73-74/NPCIB/688]

आवेदन

नई दिल्ली, 4 दिसम्बर, 1973

का. आ. 3600.—दि. प्रोजेक्ट एण्ड इंडिपेंसेन्ट कार्पोरेशन आफ इंडिया, नई दिल्ली को जर्मन जनवादी गणराज्य से मशीन औजारों का आयात करने के लिए 5,00,000 रुपये मूल्य का एक लाइसेंस सं. जी/टी/2383692 दिनांक 5-1-70 स्वीकृत किया गया है। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मद्दा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की मूल मद्दा विनिमय नियंत्रण प्रति उनके द्वारा खो गई है। लाइसेंसधारी द्वारा आगे यह प्रतीक्षित किया गया है कि लाइसेंस बम्बई पत्तन पर पंजीकृत करवाया गया था।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं. जी/टी/2383692 दिनांक 5-1-70 की मूल मद्दा विनिमय नियंत्रण प्रति खो गई है और निवेश देता है कि उन्हें उक्त लाइसेंस की अनुलिपि मद्दा विनिमय नियंत्रण प्रति जारी की जानी चाहिए। लाइसेंस की मूल मद्दा विनिमय नियंत्रण प्रति एतद्विवारा रद्द की जाती है।

लाइसेंस सं. जी/टी/2383692 दिनांक 5-1-70 की अनुलिपि मद्दा विनिमय नियंत्रण प्रति अलग से जारी की जा रही है।

[संख्या एस टी सी/जी डी आर-57/60-70/आरएम सेल/548]

ORDER

New Delhi, the 4th December, 1973

S.O. 3600.—The Project & Equipment Corporation of India Ltd, New Delhi were granted licence No. G/T/2383692 dated 5-1-1970 for the Import of Machine Tools from G.D.R. to the value of Rs. 5,00,000/-. They have requested for the issue of duplicate Exchange Control Copy of the above licence on the ground that the original Exchange Control Copy of the above licence has been lost by them. It has been further reported by the licensee that the licence has been registered with Bombay Port.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the Original Exchange Copy of the licence No. G/T/2383692 dated

5-1-1970 has been lost and direct that Duplicate Exchange copy of the said licence should be issued to them. The Original Exchange copy of the licence is hereby cancelled.

The duplicate Exchange copy of the licence No. G/T/2383692 dated 5-1-1970 is being issued separately.

[No. STC/GDR-57/69-70/RMC/548]

आवेदन

का. आ. 3601.—गज्य व्यापार निगम भारत लि., नई दिल्ली को सिन्थेटिक रबड़ के आयात के लिए 16,000 रुपये का एक लाइसेंस सं. जी/टी/2396309 दिनांक 12-9-72 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मद्दा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मद्दा विनिमय नियंत्रण प्रति उनके द्वारा खो गई है। लाइसेंसधारी द्वारा आगे यह प्रतीक्षित किया गया है कि लाइसेंस किसी भी पत्तन पर पंजीकृत नहीं करवाया गया था।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं. जी/टी/2396309 दिनांक 12-9-72 की मूल मद्दा विनिमय नियंत्रण प्रति खो गई है और निवेश देता है कि उन्हें लाइसेंस की अनुलिपि मद्दा विनिमय नियंत्रण प्रति जारी की जानी चाहिए। लाइसेंस की मूल मद्दा विनिमय नियंत्रण प्रति एतद्विवारा रद्द की जाती है।

लाइसेंस सं. जी/टी/2396309 दिनांक 12-9-72 की अनुलिपि मद्दा विनिमय नियंत्रण प्रति अलग से जारी की जा रही है।

[सं. एस टी सी/मिस-521-533/72-73/आर एम सेल/549]

सरदूल सिंह, उप-भूल्य नियंत्रक, आयात-नियंत्रित

ORDER

S.O. 3601.—The State Corporation of India Ltd., New Delhi were granted licence No. G/T/2396309 dated 12-9-72 for the import of Synthetic Rubber to the value of Rs. 16,000. They have requested for the issue of duplicate Exchange Control copy of the above licence on the ground that the original Exchange copy of the licence has been lost by them. It has been further reported by the licensee that the licence has not been registered with any port.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the Original Exchange Copy of the licence No. G/T/2396309 dated 12-9-72 has been lost and direct that Duplicate Exchange copy of the said licence should be issued to them. The Original Exchange Control copy of the licence is hereby cancelled.

The duplicate Exchange control copy of the licence No. G/T/2396309 dated 12-9-72 is being issued separately.

[File No. STC/Misc-521-533/72-73/RM C/549]

SARDUL SINGH, Dy. Chief Controller

आवेदन

नई दिल्ली, 6 दिसम्बर, 1973

का. आ. 3602.—सर्वश्री ग्रीवस कॉटन एण्ड क. लि., नई दिल्ली को स्टेन ऑफिसरा 19-आर बी एक्सक्यूटिव्स के लिए फलत् फूजां के आयात के लिए 152890 रुपये का एक लाइसेंस संख्या जी/ओ/2108462/सी एक्स 39/एच/31-32 दिनांक 11-6-71 प्रदान किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमाशूलक प्रति के लिए इस आधार पर आवेदन किया है कि उपर्युक्त लाइसेंस की मूल सीमाशूलक प्रति उनके द्वारा खो गई है। लाइसेंसधारी द्वारा आगे यह सूचित किया गया है कि लाइसेंस सीमाशूलक कार्यालय बम्बई में पंजीकृत किया

गया था और उसका 1,22,822 रुपये तक उपयोग कर लिया गया है और उस पर शेष 30,068 रुपये हैं।

अपने दर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संक्षिप्त है कि लाइसेंस की मूल प्रति खो गई हैं ताकि निवेश देता है कि उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रति उनको जारी की जानी चाहीए।

आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की धारा 9 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मूल आयात लाइसेंस संख्या जी/ओ/2108462/सी/एक्स एक्स/39/एच/31-32 दिनांक 11-6-71 को एतद् द्वारा रद्द किया जाता है।

लाइसेंस संख्या जी/ओ/2108462/सी/एक्स एक्स/39/एच/31-32 दिनांक 11-6-71 की अनुलिपि प्रति अलग रो जारी की जा रही है।

[संख्या : 4/जी/सी आ० एन टी/71-72/जी एल एस]

एन. सी. कांजीलाल, उप मुख्य नियंत्रक

ORDER

New Delhi, the 6th December, 1973

S.O. 3602.—M/s. Greaves Cotton & Co. Ltd., New Delhi were granted licence No. G/O/2108462/C/XX/39/H/31-32, dated 11-6-71 for the import of Spares for Rustom Bucyrus 19-RB Excavators to the value of Rs. 152890. They have requested for the issue of duplicate Custom copy of the above on the ground that the original Custom copy of the above licence has been lost by them. It has been further reported by the licensee that the licence has been registered with Bombay custom and the licence has been utilised by them to the value of Rs. 1.22.822 leaving a balance of Rs. 30,068.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the Original Custom Copy of the licence has been lost and direct that Duplicate Customs copy of the said licence should be issued to them.

In exercise of the powers conferred under clause 9 of the Import (Control) Order 1955 dated 7-12-55, Customs copy of original import licence No. G/O/2108462/C/XX/39/H/31-32 dated 11-6-1971 is hereby cancelled.

The duplicate Customs copy of the licence No. G/O/2108462/C/XX/39/H/31-32 dated 11-6-71 is being issued separately.

[File No. 4-G/Cont./71-72/GLS/343]
N. C. KANJILAL, Dy. Chief Controller

संस्कृत-मुख्य नियंत्रक, आयात-नियंत्रण का कार्यालय, बम्बई

आवेदक

बम्बई, 15 मार्च, 1973

विषय : सर्वश्री जनरल स्पेयर्स इन्डस्ट्रीज प्रा. लि, वडाला,
बम्बई-31 को जारी किए गए लाइसेंस संख्या : पी/सू/2663814,
दिनांक 24-1-73 (सीमाशुल्क तथा मद्दा विनिमय
नियंत्रण प्रति) का रद्द करना।

का. आ. 3603.—सर्वश्री जनरल स्पेयर्स इन्डस्ट्रीज, प्रा. लि.,
बम्बई को (1) एम. एस. प्री कटिंग ब्लैक बार्स (सीसा किस्म
के) (2) अप्रैल-मार्च, 1973 की रेड ब्लैक के परिशिष्ट-14 के अनुसार
नियंत्रण तथा प्रतिबंधित से भिन्न अनुमय आकारों वाले शाल बैय-
रिंग (3) अप्रैल-मार्च, 1973 की रेड ब्लैक के परिशिष्ट 16/16(ए)
तथा 16/6(बी) में विशिष्टिकृत से भिन्न टेप्फ़ रोलर बैयरिंग
(4) संलग्न सूची के अनुसार का आयात करने के लिए 62479/-
रु. का एक आयात लाइसेंस संख्या : 2663814, दिनांक 24-1-73

स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क तथा मद्दा विनिमय नियंत्रण प्रति द्वानां के लिए इस आधार पर आवेदन किया है कि मूल प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत कराये बिना और उसका विलक्षण उपयोग किए बिना ही छो गई है। अब अनुलिपि प्रतियों की जरूरत लाइसेंस के पूरे मूल्य अर्थात् 62479/- रुपये के लिए है। अपने दावे के समर्थन में आवेदक ने प्रैजीडेंसी मौजिस्ट्रैट, एस्टेनेंट कोर्ट, बम्बई के सम्मुख विविधत शपथ लेते हुए एक शपथ पत्र दाखिल किया है और इसके साथ विलेपालैं पुलिस स्टेशन द्वारा एक प्रमाणपत्र भी भेजा है जिसमें इसकी पूष्टि की गई है कि वह छांटा बैग जिसमें अन्य दस्तावेजों के साथ साथ लाइसेंस भी थे, आवेदक द्वारा हवाई अड्डे पर खो गया था।

2. मैं संक्षिप्त हूँ कि लाइसेंस संख्या : पी/सू/2663814, दिनांक 24-1-73 की मूल सीमाशुल्क तथा मद्दा विनिमय नियंत्रण प्रयोजन प्रति खो गई है और निवेश देता हूँ कि आवेदक को अनुलिपि प्रति जारी की जाए।

3. लाइसेंस की मूल सीमाशुल्क तथा मद्दा विनिमय नियंत्रण प्रयोजन प्रति रद्द की जारी है।

[मीमैसल संख्या : 310/19147/जे एम-72/ए एम-73/30-6-72/इ पी
एस सी-2-सी-से जारी]

डी. ए. सूजा, उप-मुख्य नियंत्रक, आयात-नियंत्रण,
कृते संचयक मुख्य नियंत्रक, आयात-नियंत्रण।

ORDER

(Office of the Jt. Chief Controller of Imports and Exports)

Bombay, the 15th March, 1973

Sub. : Cancellation of P/U/2663814 of 24-1-73 (Customs and Exchange control copy) issued to M/s. General Spares Industries P. Ltd., Wadala, Bombay-31.

S.O. 3603.—M/s. General Spares Industries, P. Ltd., Bombay have been granted Licence No. P/U/2663814 of 24-1-73 for import of (1) M. S. Free Cutting Black Bars (leaded quality). (2) Permissible sizes of Ball Bearings other than those banned and restricted as per App. 14 of A.M. 73 R.B. (3) Tapered Roller Bearings other than those specified in app. 16/6(A) and 16/6(B) of A.M. 73 R.B. (4) As per list attached. They have applied for duplicate copy of both Customs and Exchange Control copy of the said licence on the ground that the original has been lost without having been registered with any Customs authority and without having been utilised at all. The duplicate copies now required is for the full value of the licence i.e. Rs. 62,479. In support of their claim, the applicants have filed an affidavit duly sworn in before the Presidency Magistrate, Esplanade Court, Bombay along with a Photostat of a certificate from the Vile-Parle Police Station confirming that a brief case containing licences along with other documents was lost at the Air-Port by the applicant.

2. I am satisfied that the original copy of Customs and Exchange control purposes of the licence No. P/U/2663814 have been lost and direct that the duplicate copy of the licence be issued to the applicant.

3. The original of Customs and Exchange control copy of the licence is cancelled.

[File No. 310/19147/JM. 72/A.M. 73/30-6-72/EPSC. II.C]

D. D'SOUZA, Dy. Chief Controller of Imports,
for Jt. Chief Controller of Imports & Exports.

आदेश

नई विल्ली, 18 अक्टूबर, 1973

का. आ. 3604.—सर्वश्री एग्रो-कैम-ब्रून्हस्ट्रीज कृष्णनगर, हिसार का पौतल की दूधबां आवेदक के आयात के लिए 20230/- रुपये (बाल हजार दो सौ लीस रुपये मात्र) मूल्य का एक आयात लाइसेंस सं. पी/एस/1717196/सी-एक्स एक्स-49/डी/33/34 दिनांक 4-8-72 प्रदान किया गया था। उन्होंने उसकी मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति किसी सीमाशुल्क प्राधिकारी से पंजीकृत कराए दिना और बिल्कुल भी उपयोग किए दिना खां गई है।

2. अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण, नियम तथा क्रियाविधि पुस्तक, 1973-74 के परिशिष्ट 8 के साथ पढ़ जाने वाले पैरा 320(2) के अन्तर्गत व्यापारीकृत एक शपथ-पत्र स्टाम्प कागज पर दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति ऊं गई/अस्थानरथ हो गई है।

अद्यतन व्यापार नियंत्रण आयात (नियंत्रण) आदेश, 1955 दिनांक 7 दिसम्बर, 1955 की धारा 9 (सी सी) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं लाइसेंस सं. पी/एस/ 1717196/सी-एक्स एक्स-44/डी/33-34 दिनांक 4-8-72 की मुद्रा विनिमय नियंत्रण प्रति को रद्द करने का आदेश देता हूँ।

अब आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक, 1973-74 के पैरा 320(2) के अनुसार आवेदक को उक्त आयात लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि जारी की जा रही है।

[संख्या : पी/ए/52/एन/ए एम-72/ए यू. एस/सी एल ए]

के. आर. धीर, उम्मल्य नियंत्रक, आयात-नियंत्रित, कृत संचयक मूल्य नियंत्रक, आयात-नियंत्रित।

ORDER

New Delhi, the 18th October, 1973

S.O. 3604.—M/s. AGRO-Chem-Industries, Brishan Nagar, Hissar, were granted import licence No. P/S/1717196/C-XX-49/D/33/34 dated 4-8-72 for the import of Brass Tubes etc. for Rs. 20230 (Twenty thousand two hundred and thirty only). They have applied for the issue of duplicate copy of Exchange Control purposes copy thereof on the ground that original exchange control purposes copy of the said licence has been lost without having been registered with any customs authority and utilised at all.

2. The applicant has filed an affidavit on stamped paper in support of their contention as required under para 320(2) read with appendix 8 of the I.T.C. Hand Book of Rules and Procedure, 1973-74. I am satisfied that the original exchange control purposes copy of the licence has been lost/misplaced.

3. In exercise of the powers conferred on me, under clause 9(c) Import (Control) Order, 1955 dated the 7th December, 1955 as amended upto date, I order cancellation of exchange control purposes copy of licence No. P/S/1717196/C-XX-44/D/33-34 dated 4-8-72.

4. The applicant is now being issued a duplicate copy of Exchange Control Purposes copy of the said import licence in accordance with para 320(2) of I.T.C. Hand Book of Rules and Procedure, 1973-74.

[F. No. P/A/52/N/AM-72/AU/HH/CL.A]

K. R. DHEER, Dy. Chief Controller of Imports & Exports for Joint Chief Controller of Imports and Exports.

आदेश

कानपुर, 17 फरवरी, 1973

का. आ. 3605.—सर्वश्री प्रमर मिनिचेर बल्ब फैक्ट्री सरदाना रोड, कंकर खेरा, मेरठ कैट को टंगस्टन फिलामेंट के प्रायात के लिए निम्नलिखित लाइसेंस जारी किए गए थे :—

1. पी/एस/1686583, दिनांक 31-3-1971 मूल्य 5,000/-रु
2. पी/एस/1686584, दिनांक 31-3-1971 मूल्य 2,500/-रु
3. पी/एस/1686585, दिनांक 31-3-1971 मूल्य 2,500/-रु

तस्यश्चात् उन्हें एक कारण बताये गूचना संज्ञा : इन्क -2 (48)/1971/कान/10417, दिनांक 18-12-1972 यह पूछते हुए जारी की गई थी कि 15 दिनों के भीतर कारण बताया कि उन के नाम के जारी किए गए उपर्युक्त लाइसेंसों की क्यों रद्द कर दिया जाना चाहिए और उन्हें इस प्राधार पर कि ऐसा असाधा गया था कि उन का कारखाना बन्द हो गया था वहां और किसी किस्म का उत्पादन कार्य नहीं किया जा रहा था और इसनिए जिस उद्देश्य की पूर्ति के लिए लाइसेंस जारी किये गये थे उसे वे पूरा नहीं कर रहे थे। उन्हें उन के मामले के बारे में व्यक्तिगत सुनवाई के लिए भी 19 जनवरी, 1973 को दुकाया गया था।

उपर्युक्त कारण बताये गूचना के प्रति कोई उत्तर नहीं प्राप्त हुआ है और न ही कोई व्यक्ति इस प्रयोग के लिये निर्धारित तिथि को व्यक्तिगत सुनवाई के लिए ही पहुँचा है।

अधोलिखाकरी ने मामले की भली भांति जांच कर ली है और इस परिणाम पर पहुँचा है कि सर्वश्री प्रमर मिनिचेर बल्ब फैक्ट्री मेरठ के पास अपने बचाव के लिये कुछ न था इसलिए उन्होंने कारण बताये गूचना के प्रति उत्तर देने अवश्य व्यक्तिगत सुनवाई के लिए उपस्थित होने के लिए आनाकानी ही है।

पूर्व की कंडिका में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधीक्षताकरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अवश्य अन्यथा रूप से अधिभावित किए जाने चाहिए। इसलिए, अधीक्षताकरी यथा संगोष्ठित आवात (नियंत्रण) आदेश, 1955 की धारा 9 की उपधारा (सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री प्रमर मिनिचेर बल्ब फैक्ट्री गरधाना रोड, कंकर खेरा, मेरठ कैट जो जारी किए गए आयात लाइसेंस संख्या पी/एस/1686583, दिनांक 31-3-1971 मूल्य 5,000 रु, पी/एस/1686584, दिनांक 31-3-1971 मूल्य 2,500/-रु तथा पी/एस/1686585, दिनांक 31-3-1971 मूल्य 2,500/-रु को एतद धारा रद्द करता है।

संख्या इन्क-2 (48)/1971/कान.

(Office of the Deputy Chief Controller of Import & Export)

ORDER

Kanpur, the 17th February, 1973

S.O. 3605.—The following licences for the import of Tungsten Filament were issued to M/s. Amar Miniature Bulb Factory, Sardhana Road, Kanker Khera, Meerut cant :—

1. P/S/1686583 dt. 31-3-1971 for Rs. 5,000/-.
2. P/S/1686584 dt. 31-3-1971 for Rs. 2,500/-.
3. P/S/1686585 dt. 31-3-1971 for Rs. 2,500/-.

Thereafter a show cause notice no. Enf. II(48)/1971/Kan/10417 dated the 18-12-1972 was issued asking them to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that their factory was reported to be closed and no production work was being done there and the licences were, therefore, not to serve the purpose for which they were issued. They were also given 19th January, 1973 for personal hearing of their matter.

No reply to the said show cause notice has been received nor has any one turned up for personal hearing on the date fixed for the purpose.

The undersigned has carefully considered the case and has come to the conclusion that the said M/s. Amar Miniature Bulb Factory, Meerut have avoided to send a reply to the show cause notice or to come for personal hearing as they have no defence to urge.

Having regard to what has been stated in the preceding paras the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1686583 dt. 31-3-1971 for Rs. 5,000/-, P/S/1686584 dt. 31-3-1971 for Rs. 2,500/- and P/S/1686585 dated 31-3-1971 for Rs. 2,500/- issued infavour of M/s. Amar Miniature Bulb Factory, Sardhana Road, Kanker Khera, Meerut Cantt.

[No. ENF. II(48)/1971/KAN]

आवेदा

कानपुर, 1 मार्च, 1973

क्रा० आ० 3606.—सर्वथी जनता इंजी० वर्क्स, गुराना रोड, बड़ौत को स्वीकृत किस्म के बाल बेयरिंग तथा टेपर रोलर बेयरिंग के आवात के लिए निम्नलिखित लाइसेंस स्वीकृत किए गए थे:-

1. पी/एस/1687070, दिनांक 20-4-71 मूल्य, 2500 रु०
2. पी/एस/1687071, दिनांक 20-4-71 मूल्य 1250 रु०
3. पी/एस/1687072, दिनांक 20-4-71 मूल्य 1250 रु०
4. पी/एस/1701823, दिनांक 31-3-71 मूल्य 2500 रु०
5. पी/एस/1701824, दिनांक 31-3-71 मूल्य 1250 रु०
6. पी/एस/1701825, दिनांक 31-3-71 मूल्य 1250 रु०

तप्पचात् उन्हें एक कारण बताया गया है कि 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए गए उत्तर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इन आधार पर कि उनका कोई कारब्राना नहीं था, उनके हारा लाइसेंस मिश्रा निलाला हारा प्राप्त किए गए थे और इन लाइसेंसों के मद्दे आवात मात्र का लाइसेंस पर लागाई गई थीं और उनके लिए लागू थे कि अनुमार उपयोग नहीं किया गया था।

उत्प्रूप्त कारण बताया गया आक प्राधिकारियों द्वारा बिना के गये नहीं की टिप्पणी के साथ लौटा दी गई है।

4. अधोहस्ताक्षरी ने मामले को भली भांति जांच कर ली है और उस परिणाम पर पहुंचा है कि उत्तर्युक्त सर्वथी जनता इंजी० वर्क्स, बल का कोई कारब्राना नहीं था, उन्होंने उत्तर्युक्त लाइसेंस मिश्रा निलाला हारा प्राप्त किए थे और उन्होंने लाइसेंस के मद्दे आवात मात्र का लाइसेंस पर लागाई गई थीं और उनके लिए लागू थीं कि अनुमार उपयोग नहीं किया था।

5. पूर्व की कठिका में जो कुछ बताया गया है उसे व्याप्त में रखते हुए अधोहस्ताक्षरी इसे मंत्रुष्ट है कि विधायाधीन लाइसेंस रद्द अथवा

जाने चाहिए। इसलिए अधोहस्ताक्षरी आवात सर्वथा रूप से अप्राप्ति दिनांक 7-12-1955 की धारा 9 उपधारा (नियंत्रण) आवेदा, ऐत प्रदन अधिकारों का प्रयोग कर सर्वथी (ए) तथा (ई) के लिए वर्क्स ग रोड बड़ौत, (जिला मेरठ) के नाम में जारी जनता इंजी० वर्क्स पी/एस/1687070, दिनांक 20-4-1971 मूल्य 250 रु०, पी/एस/1687071, दिनांक 20-8-71 मूल्य 1250, ८०, पी/एस/1687072, दिनांक 20-8-71 मूल्य 1210 रु०, पी/एस/1701824, १८३, दिनांक 31-3-1971 मूल्य 2500 रु०, पी/एस/1701825, दिनांक 31-3-1971 मूल्य 1240 रु०, तथा पी/एस/1701825, दिनांक 31-3-1971 मूल्य 1250 रु० को एतद बारा रद्द करता है।

संघरा इन्फ-2(183)/1971/कान

ORDER

Kanpur, the 1st March, 1973

O. 36.—The following licences for the import of permissible types of Ball Bearings and Taper Roller Bearings were issued to M/s. Janta Engineering Works, Gurana Road, Baraut—

P/S/1687070 dt. 20-4-1971 for Rs. 2,500/-.

(i) P/S/1687071 dt. 20-4-1971 for Rs. 1,250/-.

(ii) P/S/1687072 dt. 20-4-1971 for Rs. 1,250/-.

(iv) P/S/1701823 dt. 31-3-1971 for Rs. 2,500/-.

(v) P/S/1701824 dt. 31-3-1971 for Rs. 1,250/-.

(vi) P/S/1701825 dt. 31-3-1971 for Rs. 1,250/-.

2. Thereafter a show cause notice no. Enf. II(183)/1971/Kan/9931 dt. 28-11-1971 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they had no factory, the licences were obtained by misrepresentation and the goods imported against them were not utilized in terms of the condition imposed on and applicable to the licences.

3. The said show cause notice has been returned undelivered by the postal authorities with the remarks "Not known".

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Janta Engineering Works, Baraut have no factory, have obtained licences by misrepresentation & have not utilized the goods imported against the licences in terms of the conditions imposed on and applicable to the licences.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub-clause (a) & (e) of the Imports (Control) Order, 1955 dt. 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1687070 dt. 20-4-1971 for Rs. 2,500/-, P/S/1687071 dt. 20-4-1971 for Rs. 1,250/-, P/S/1687072 dt. 20-4-1971 for Rs. 1,250/-, P/S/1701823 dt. 31-3-1971 for Rs. 2500/-, P/S/1701824 dt. 31-3-1971 for Rs. 1,250/- & P/S/1701825 dated 31-3-1971 for Rs. 1,250/- issued in favour of M/s. Janta Engineering Works, Gurana Road, Baraut (Distt. Meerut).

[No. ENF. II(183)/1971/Kan]

आवेदा

कानपुर 4 अप्रैल, 1973

क्रा० आ० 3607.—सर्व श्री डॉ० सी० जैन ए

19-वीं, वैस्ट ए७ड रोड, मेरठ कैन्ट जिनक मराधाना सिला मेरठ में है को वास्तविक उपर्युक्त

श्रेणी मे बाल वैयरिंग तथा टेपर गोल्ड वे. का आयात करने के लिये
निम्नलिखित लाइसेस स्वीकृत किए गए हैं।

- (1) पी/एम/1654253 दिनाक 20-5-70 मूल्य 5,000 रु०
- (2) पी/एम/1651254 दिनाक 20-5-71 मूल्य 5,000 रु०
- (3) पी/एस/1655228 दिनाक 31-7-70 मूल्य 5,000 रु०
- (4) पी/एम/1655229 दिनाक 31-8-70 मूल्य 5,000 रु०
- (5) पी/एस/1656182 दिनाक 14-10-70 मूल्य 5,000 रु०
- (6) पी/एस/1319062 दिनाक 20-1-71 मूल्य 100 रु०
- (7) पी/एस/1656183 दिनाक 14-10-70 मूल्य 500 रु०

2 तत्पश्चात् उन्हे एक कारण बताओ सूचना प० इन्हे 125/1970/कान/5559 दिनाक 23-8-70 यह पुछते जाए। गई थी कि पढ़ाह दिनों के भीतर कारण बताए कि उनके न मेरा किए गए उपर्युक्त लाइसेसों को क्यों न रद्द कर दिया जाना थे और उन्हे इस आधार पर कि उन्होंने उपर्युक्त लाइसेस मिनिस्प्रिंग द्वारा प्राप्त किए थे और वे सब श्री आर० क० परमार्थी एण्ड कॉम्पनी लेखापाल, कानपुर द्वारा जाए किए गए बनावटी लेखा पाल के प्र० पर आधारित दस्तावेजों को भेजने मेरसमर्थ रहे थे।

3 उपर्युक्त कारण बताओ सूचना प० नजर मेरका सब श्री डॉ जैन एण्ड कॉम्पनी ने दस्तावेजों को प्रस्तुत करने के लिए भवय मांगा। देखिये उनका स० आई एम पी/आफ/ 7-1-72 दिनाक 11-9-71 और उन्होंने ने पुत. अपने पत्र स० आई एम पी/आफ/ 7-2-73 मेरिनाक 19-5-1972 मेरका कार्यालय पर दिनाक 14-4-1971 की एक प्रति के लिए मार्ग की थी जिस से कि वे आवश्यक कारबाही करने मेरसमर्थ हो सके। लेकिन उन की दोनों प्रार्थनाओं को पूरा करने पर वे उन्होंने दस्तावेज नहीं भेजे।

4. अधीक्षता करी ने मामले की भली-भांति जाच कर ली है और इस परिणाम पर पूछता है कि सब श्री डॉ सी० जैन एण्ड कॉम्पनी ने उपर्युक्त मार्गे गए दस्तावेजों को प्रस्तुत करने मेरका टाल-मटोल की है और उन्होंने उपर्युक्त लाइसेस मिथ्यानिरूपण द्वारा प्राप्त किए हैं।

5. पूर्व की कठिकाओ मेरों ने उसे ध्यान मेरखते हुए अधीक्षता करी मंतुष्ट है कि विषयधीन लाइसेस रद्द अथवा अन्यथा रूप से अप्रभावित किए जाने चाहिए। इस लिए, अधीक्षता करी यथा समोर्धित आयात (नियंत्रण) आदेश, 1955 दिनाक 7-12-55 की धारा 9 उप-धारा (ए) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर लाइसेस सञ्चालय पी/एस/1654253

दिनाक 20-5-70 मूल्य 5,000 रु० पी/एस/1654254
 „ 20-5-70 मूल्य 5,000 रु० पी/सी/1655228
 „ 31-1-70 मूल्य 5,000 रु० पी/एस/1655229
 „ 31-7-70 मूल्य 5,000 रु० पी/एस/1656182
 „ 14-10-70 मूल्य 35,000 रु० पी/एस/1319062
 „ 20-1-71 मूल्य 17,500 रु० पी/एस/1656183 दिनाक 14-10-1970 मूल्य 17,500 रु० को एतद् द्वारा रद्द करता है।

[मध्या एफ-2(125)/1970/कान]

ORDER

Kanpur, the 4th April, 1973

G.S.R. 3607.—The following licences for the import of Ball Bearings & Taper Roller Bearings in the category of usual users were issued to M/s. D. C. Jain and Co., 199-B,

West End Road, Meerut Cantt. with factory at Sardhana, Distt. Meerut.

- (i) P/S/1654253 dt. 20-5-70 for Rs. 5,000/-
- (ii) P/S/1654254 dt. 20-5-70 for Rs. 5,000/-
- (iii) P/S/1655229 dt. 31-7-70 for Rs. 5,000/-
- (iv) P/S/1655229 dt. 31-7-70 for Rs. 5,000/-
- (v) P/S/1656182 dt. 14-10-70 for Rs. 35,000/-
- (vi) P/S/1319062 dt. 20-1-70 for Rs. 17,500/-
- (vii) P/S/1656183 dt. 14-10-70 for Rs. 17,500/-

2. Thereafter a show cause notice No. Enf. II(125)/1970/Kan/5559 dt. 23-8-70 was issued to them asking to show cause within 15 days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they had been obtained by misrepresentation as they had failed to produce the documents forming the basis of the Chartered Accountant's Certificate dated 16-1-1971 which was issued to them by M/s. R. K. Parmarthi & Co.: Chartered Accountants, Kanpur.

3. In response to the above show cause notice the said M/s. D. C. Jain & Co; Meerut asked for time to produce the documents vide their letter no. UIMP/OFF/71-72 dt. 11-9-71 and again vide their letter no. Imp/Off/72-73 dt. 19-5-1972 asked for copy of office letter dt. 14-4-1971 to be able to do the needful. The documents, however, were never produced inspite of both of their requests having been met.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. D. C. Jain & Co; Meerut have avoided to produce the documents as asked for and the licences have been obtained by misrepresentation.

5. Having regard to what has been said in the proceeding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (a) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences No's P/S/1654253 Dt. 20-5-1970 for Rs. 5,000/-; P/S/1654254 Dt. 20-5-1970 for Rs. 5,000/-; P/S/1655228 Dt. 31-1-1970 for Rs. 5,000/-; P/S/1655229 Dt. 31-7-1970 for Rs. 5,000/-; P/S/1656182 Dt. 14-10-1970 for Rs. 35,000/-; P/S/1319062 Dt. 20-1-1971; for Rs. 17,500/-, and P/S/1656183 Dt. 14-10-1970 for Rs. 17,500/-.

[No. ENF. II(125)/1970/KAN]

आपौर्ष

कानपुर, 6 अप्रैल, 1973

कानपुर 3608 —मर्य श्री रेम्पको रवड इन्डस्ट्रीज, 3 बी-गवर्नमेंट इंडस्ट्रीयल एट, वेहरावून को रेप्टाइजर (रवड रसायनो) तथा बाल्चिंग एजेंट के पास के लिए निम्नलिखित लाइसेस जारी किए गए थे—

- (1) पी/एस/1686860 दिनाक 13-4-71 मूल्य 12,500 रुपये
- (2) पी/एस/1686861 दिनाक 13-4-71 मूल्य 6,250 रुपये
- (3) पी/एस/1686862 दिनाक 13-4-71 मूल्य 6,250 रुपये
- (4) पी/एस/1754624 दिनाक 11-1-72 मूल्य 12,500 रुपये
- (5) पी/एस/1751625 दिनाक 11-1-72 मूल्य 6,250 रुपये
- (6) पी/एस/1754626 दिनाक 11-1-72 मूल्य 6,250 रुपये

2 तत्पश्चात् उन्हे एक कारण बताओ सूचना सं० एफ 11(230) 171/कान/11264 दिनाक 11-1-1973 यह पूछते हुए जारी की गई थी कि कारण बताओ सूचना की पारती के 15 दिनों के भीतर कारण बताए कि उन के नाम मेरका कारण उपर्युक्त लाइसेसों को क्यों न रद्द कर दिया जाना चाहिए उन्हे इस आधार पर कि उनका कारबाहा बन्द था और जिस उद्देश्य को पूर्ण के लिए लाइसेस जारी किए गए थे उसे वे पूरा नहीं करते। उन्हे अपने मामले के संबंध मेरका अधिकारी मुनवार्ह के लिए दिनाक 29-1-1973 को मर्य भी दिया गया था।

3 उपर्युक्त कारण बताओ सूचना के उत्तर में उक्त सर्वश्री रेप्पको रबड इन्डस्ट्रीज न अपने पत्र म० आर ग्राह 960/73 दिनाक 27-1-73 में यह बताया कि उन्हें विकट श्रमिक सकट के कारण अपना कारखाना बन्द करना पड़ा था और वे उसे पुन भार्च 1973 में चालू कर देंगे। उन्होंने यह इच्छा व्यक्त की कि ऐसी परिस्थितियों में उनके लाइसेसों को रद्द न किया जाए।

4 अधोहस्ताक्षरी ने मामले की भली भाति जाच कर ली है और इस परिणाम पर पहुंचा है कि उक्त रेप्पको रबड इन्डस्ट्रीज, देहरादून ने कारखाना बन्द कर दिया है और जिस उद्देश्य की पूर्ति के लिए लाइसेस जारी किए गए थे उसे वे पुन नहीं करेंगे। लेकिन यदि वे बाद में पुन कार्य ग्राहक बनते हैं तो वे नए मिरे से लाइसेसों के लिए उम ममय लागू होने वाली नीति के अनुसार प्रायोजक प्राधिकारी के माध्यम से आवेदन कर सकते हैं।

5. पूर्व की कड़िकाओं में जो कुछ भी बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी इस से सतुष्ट है कि विषयाधीन लाइसेस रद्द अथवा अन्यथारूप से अप्रभावित किए जाने चाहिए इस लिए, अधोहस्ताक्षरी यथा सशोधित आयात (नियन्त्रण) आदेश, 1955 दिनाक 7-12-55 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मर्वश्री रेप्पको रबड इन्डस्ट्रीज 8-गवर्नमेंट इन्डस्ट्रीजल इम्पेट, देहरादून को जारी किए गए।

लाइसेस स० पी/एस/1686860 दिनाक 13-4-71 मूल्य 12,500 रुपये पी/एस/1686861 दिनाक 13-4-71 मूल्य 6,250 रुपये, पी/एस/1686862 दिनाक 13-4-71 मूल्य 6,250 ₹० पी/एस/1754624 दिनाक 11-1-72 मूल्य 12,500 ₹०, पी/एस/1754625 दिनाक 11-1-72 मूल्य 6,250 ₹० ; पी/एस/1754626 दिनाक 11-1-72 मूल्य 6,250 ₹० को एतद् द्वारा रद्द करता है।

[संख्या इन्फ-11(230)/71/कान]

ORDER

Kanpur, the 6th April, 1973

S.O. 3608.—The following licences for the Import Peptiser (Rubber Chemicals) & Bonding Agents were issued to M/s. Ramco Rubber Industries, 3 B-Govt. Industrial Estate, Dehradun.

- (i) P/S/1686860 Dt. 13-4-71 for Rs. 12,500/-
- (ii) P/S/1686861 Dt. 13-4-71 for Rs. 6,250/-
- (iii) P/S/1686862 Dt. 13-4-71 for Rs. 6,250/-
- (iv) P/S/1754624 Dt. 11-1-72 for Rs. 12,500/-
- (v) P/S/1754625 Dt. 11-1-72 for Rs. 6,250/-
- (vi) P/S/1754626 Dt. 11-1-72 for Rs. 6,250/-

(2) Thereafter a Show Cause notice No. Enf. II(230)971/KAN/11264 dated 11-1-1973 was issued to them as to why the said licences in their favour should not be cancelled on the ground that their factory was closed and the licences would not serve the purpose for which they were issued. They were also given 29-1-1973 for personal hearing of their matter.

(3) In response to above said show cause notice the Industries stated in reply vide their letter No. RRI/G/91 dated 27-1-73 that their factory had to close due to labour trouble and that the same will restart by May 1973. They desired that the licences may not be cancelled under these circumstances.

(4) The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Rampco Ruber Industries, Dehradun have closed and the licences will not serve the purpose for which they were issued. However, the factory will function at a later stage. It is afresh through the sponsoring authority in afly for lic policy inforce at the time.

(5) Having regard to what has been said in the proceeding undersigned is satisfied that the licences in paragraph be cancelled or otherwise rendered ineffective. Undersigned in exercise of powers vested in herefore, undersigned in exercise of powers vested in accordance with sub clause (1) of the Imports (Control) Order, dated 7/12/1955 as amended, hereby cancels Nos. P/S/1686860 Dt. 13-4-71 for Rs. 12,500/-; P/S/1686861 Dt. 13-4-71 for Rs. 6,250/-; P/S/1686862 Dt. 13-4-71 for Rs. 6,250/-; P/S/1754624 Dt. 11-1-72 for Rs. 12,500/-; P/S/1754625 Dt. 11-1-72 for Rs. 6,250/-; P/S/1754626 Dt. 11-1-72 for Rs. 6,250/- issued in favour of M/s. Rampco Ruber Industries, 3 B-Govt. Industrial Estate, Dehradun.

[No. ENF. II (230)/71/KAN.]

आवेदन

कानपुर 27 अप्रैल, 1973

कानपुर 3609—मर्वश्री कास्टाला इन्डस्ट्रीज, निरजनपुर, देहरादून को लेब्डिनम धारु, टंगस्टन फिलोमेट तथा प्रतिरोधक तार के आयात के ए प्रिम्लिखित लाइसेस जारी किए गए थे—

(1) पी/एस/1654414 दिनाक 2-6-1970 मूल्य 3,333 रुपये
 (2) पी/एस/1654415 दिनाक 2-6-1970 मूल्य 6,666 रुपये
 2. तत्पश्चात् उन्हें एक कारण बताओ सूचना स० इन्फ 11(192)/1971/कान/13393 दिनाक 7 भार्च, 1973 यह पूछते हुए जारी की गई थी कि कारण बताओ सूचना की पावती के 15 दिनों के भीतर कारण बताए कि उन के नाम में जारी किए गए उपर्युक्त लाइसेसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उद्योग निदेशक यू० पी० ने यह बताया था कि वे अब उस उत्पाद के निर्माण के लिए इच्छुक नहीं रहे जिस के लिए लाइसेस जारी किए गए थे। उन्हें अपन मामले के संबंध में व्यक्तिगत सुनवाई के लिए भी 26 भार्च, 1973 का दिन दिया गया था।

3. उपर्युक्त कारण बताओ सूचना के उत्तर में सर्वश्री कास्टाला इन्डस्ट्रीज देहरादून ने अपने पत्र दिनाक 22 भार्च, 1973 में जाना कि वित्तीय सकटों के कारण वे उम उत्पाद का निर्माण नहीं कर सके जिस के लिए लाइसेस प्राप्त किए गए थे और उन्होंने सबद्ध प्राधिकारियों को लाइसेस रद्द करने के लिए भी प्रार्थना की थी।

4 अधोहस्ताक्षरी ने मामले की भली भाति जाच कर ली है और इस परिणाम पर पहुंचा है कि विषयाधीन लाइसेस रद्द किए जाने चाहिए।

5. पूर्व की कंडिकाओं में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी इससे सन्तुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा स्पष्ट से अप्रभावित किए जाने चाहिए। इसलिए, अधोहस्ताक्षरी आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वथी कासला इन्डस्ट्रीज, निरंजनपुर, देहरादून को जारी किए गए लाइसेंस सं० पीएस/1654414 दिनांक 2-6-1970 मूल्य 3,333 रुपये तथा पी/एस/1654415 1654414 दिनांक 2-6-1970 मूल्य 6,666 ₹ की एतद् द्वारा रद्द करता है।

[सं० इन्फ-11(192)/1971/का०]

ORDER

Kanpur, the 27th April, 1973

S.O. 3. Molybdenum.—The following licences for the import of issued to M/Metal, Tungsten Filament & Resistence Wire Castala Industries, Niranjanpur Dehradun—

- (i) P/S/1654414, dt. 2-6-1970 for Rs. 3,333/-
- (ii) P/S/1654415 2-6-1970 for Rs. 6,666/-

2. Thereafter a show cause notice no. Enf. II(192)/1971 Kan/13393 dated the 7th March, 1973 was issued to the asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that the Director of Industries, U.P. had reported that they were no more interested in the manufacture of the product for which the licences had been issued. They were also given 26th March, 1973 for personal hearing of their matter.

3. M/s. Castala Industries, Dehradun in their reply dt. the 22nd March, 1973 to the above said show cause notice stated that due to financial difficulties they could not start the manufacture of the product for which the licences had been obtained and had also requested the concerned authorities for cancellation of the licences.

4. The undersigned has carefully considered the matter and has come to the conclusion that the licences in question should be cancelled.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 dt. 7-12-1955 as amended, hereby cancels the licences Nos. P/S/1654414 dt. 2-6-1970 for Rs. 3,333/- and P/S/1654415 dt. 2-6-1970 for Rs. 6,666/- issued in favour of M/s. Castala Industries, Niranjanpur, Dehradun.

[No. ENF. II(192)/1971/KAN]

आदेश

का० आ० 3610—सर्व श्री माइन प्रिंटिंग हाउस, बुद्ध कटेहरी जानसठ (ज़िला मुजफ्फर नगर) को स्वीकृत किस्म के मध्यम संगों तथा रसायनों के आयात के लिए निम्नलिखित लाइसेंस स्वीकृत किए गए थे।

- (1) पी/एस/1688026 दिनांक 1-6-1971 मूल्य 5,000 ₹
- (2) पी/एस/1688027 दिनांक 1-6-1971 मूल्य 2,500 ₹
- (3) पी/एस/1688028 दिनांक 1-6-1971 मूल्य 1,500 ₹

2. तत्पश्चात् उन्हें एक कारण बताया सूचना सं० 73/का०/इन्फ/12793 दिनांक 5 मार्च, 1973 यह पूछते हुए जारी की गई थी कि कारण बताया सूचना की पावती के 15 दिनों के भीतर कारण बताएं के उन के नाम में जारी किए गए, उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस अधिकार पर कि उद्योग निदेशक यू.पी. ने यह रिपोर्ट दी थी कि उन्होंने निर्माण संबंधी कार्य करने बन्द कर दिए।

ये। उन्हें अपने मामले के संबंध में व्यक्तिगत सुनवाई के लिए 22 मार्च, 1973 का दिन दिया गया था।

3. उपर्युक्त कारण बताया सूचना एक प्राधिकारियों द्वारा यह बताने हुए, जिन बांटे लौटा दी गई थी कि ऐसी कोई कर्म नहीं थी।

4. अधोहस्ताक्षरी ने मामले की भली भांति जांच करली है और इस परिणाम पर पढ़ूँचा है कि सर्व श्री माइन प्रिंटिंग हाउस जानसठ (ज़िला मुजफ्फर नगर) ने वास्तव में कारखाना बन्द कर दिया था और उन्होंने उपर्युक्त लाइसेंस मिथ्या निरूपण द्वारा प्राप्त किए थे। कूँकि उन के पास अपने बचाव के लिए कुछ नहीं है इसलिए, उन्होंने उनके देने में आनाकानी की है।

5. पूर्व की कंडिकाओं में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी इस से सन्तुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा स्पष्ट से अप्रभावित किए जाने चाहिए। इसलिए, अधोहस्ताक्षरी आयात (नियंत्रण) आदेश, 1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्व श्री माइन प्रिंटिंग हाउस, बुद्ध कटेहरा जानसठ (ज़िला मुजफ्फर नगर) को जारी किए गए लाइसेंस सं० पी/एस/1688026 दिनांक 1-6-71 मूल्य 5,000 ₹ ; पी/एस/1688027 दिनांक 1-6-71 मूल्य 5,500 ₹ ; तथा पी/एस/1688028 दिनांक 1-6-71 मूल्य 2,500 ₹ को एतद् द्वारा

[सं० 73/का०/72/इन्फ]

ORDER

S.O. 3610.—The following licences for the import of permissible types of Dyes Intermediates & Chemicals were issued to M/s. Modern Printing House, Budh Katehra Jansath (Distt. Muzaffarnagar) :-

- (i) P/S/1688026 dt. 1-6-1971 for Rs. 5,000/-
- (ii) P/S/1688027 dt. 1-6-1971 for Rs. 2,500/-
- (iii) P/S/1688028 dt. 1-6-1971 for Rs. 2,500/-

2. Thereafter a show cause notice no. 73/Kan/Enf/2793 dt. the 5th March, 1973 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that the Director of Industries, U.P. had reported that they had closed down their manufacturing activities. They were also given 22nd March, 73 for personal hearing of their matter.

The above said show cause notice has been returned delivered by th postal authorities stating that there was such firm.

The undersigned has carefully considered the matter arhas come to the conclusion that the said M/s Modern Print House, Jansath (Distt. Muzaffarnagar) have actually closed down and have obtained the licences in question by misrepresentation. They have avoided a reply as they have no fence to urge.

Having regard to what has been said in the preceding parahps the undersigned is satisfied that the licences in quesn should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him ider clause 9 sub clause (a) of the Imports(Control) Order 1955 dt. 7-12-1955, as amended, hereby cancels the licenc Nos. P/S/1688026 dated 1-6-1971 for Rs. 5,000/- P/S/18027 dt. 1-6-1971 for Rs. 2,500/- & P/S/1688028 dt. 1-6-1971 for Rs. 2,500/- issued in favour of M/s. Modern PrintinHouse, Budh Katehra Jansath (Distt. Muzaffarnagar).

[No. 73/KAN/72/ENF]

प्रादेश

कानपुर, 11 मई 1973

का० प्रा० 3611—सर्वश्री व्यवालिटी प्रिण्टिंग वर्क्स, मंगल बाजार, जानसठ (जिला मुजफ्फरनगर) को स्वीकृत लिस्ट के मध्यस्थ रोडों तथा रसायनों के आयात के लिए निम्नलिखित लाइसेंस रद्द किए गए थे;

- (1) पी/एम/1688032 दिनांक 1-6-1971 मूल्य 5,000 रु०
- (2) पी/एम/1688033 दिनांक 1-6-1971 मूल्य 2,500 रु०
- (3) पी/एम/1688034 दिनांक 1-6-1971 मूल्य 2,500 रु०

2. तत्पश्चात उन्हें एक कारण बताओ गूचना सं० 74/कान/72/इन्फ/12788 दिनांक 1-3-1973 यह पूछते हुए जारी की गई थी कि कारण बताओ गूचना की पावती है के 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए गए उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उद्घोग निवेशक, य० पी० ने यह रिपोर्ट दी थी कि उन्होंने निर्माण संबंधी कार्य बन्द कर दिये थे और उन्होंने मिथ्यानिवारण द्वारा लाइसेंस प्राप्त किये थे।

3. उपर्युक्त कारण बताओ गूचना डाक प्राविकारियों द्वारा बिना बाटे यह बताते हुए लौटा दी गई थी कि ऐसी कोई फर्म नहीं थी।

4. अधीक्षित व्यवालिटी ने मामले की भली-भांति जांच कर ली है और इस परिणाम पर पहुंचा है कि सर्वश्री क्लाइटी प्रिण्टिंग वर्क्स ने वास्तव में कारबाना बन्द कर दिया था और उन्होंने विषयाधीन लाइसेंस मिथ्यानिवारण द्वारा प्राप्त किए थे और चूंकि उन के पास अपने बचाव के लिए कुछ भी कहता नहीं है इसलिए, उन्होंने उत्तर देने में आनाकानी की है।

5. पूर्व की कंडिकाओं में जो कुछ भी बताया गया है उसे ध्यान में रखते हुए अधीक्षित व्यवालिटी संजुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से अप्रभावित किए जाने चाहिए इसलिए, अधीक्षित व्यवालिटी आयात (नियन्त्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री क्लाइटी प्रिण्टिंग वर्क्स, मंगल बाजार, जानसठ (जिला मुजफ्फरनगर) को जारी किए गए लाइसेंस सं० पी/एम/1688032 दिनांक 1-6-1971 मूल्य 5,000; पी/एम/1688033 दिनांक 1-6-1971 मूल्य 2,500 रु०; तथा पी/एम/1688034 दिनांक 1-6-1971 मूल्य 2,500 रु० को एतद द्वारा रद्द करता है।

[सं० 74/कान/72/इन्फ]

ORDER

Kanpur, the 11th May, 1973

S.O. 3611.—The following licences for the import of permissible types of Dyes Intermediates and chemicals were issued to M/s. Kwality Printing Works, Mangal Bazar, Jansath (Distt. Muzaffarnagar).

- (i) P/S/1688032 Dt. 1-6-1971 for Rs. 5,000/-
- (ii) P/S/1688033 Dt. 1-6-1971 for Rs. 2,500/-
- (iii) P/S/1688034 Dt. 1-6-1971 for Rs. 2,500/-

(2) Thereafter a show cause notice No. 74/Kan/72/Enf/12788 dated the 1-3-1973 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that the Director of Industries, U.P. had reported that they had closed down their manufacturing activities and the licences were obtained by misrepresentation.

(3) The above said show cause notice has been returned undelivered by the postal authorities saying that there was no such firm.

(4) The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Kwality Printing Works had actually closed down and had obtained the licences in question by misrepresentation and a reply has been avoided as they have no defence to urge.

(5) Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub-clause (a) of the Imports (Control) order, 1955 dated 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1688032 Dt. 1-6-1971 for Rs. 5,000/-; P/S/1688033 Dt. 1-6-1971 for Rs. 2,500/-; P/S/1688034 Dt. 1-6-1971 for Rs. 2,500/- issued in favour of M/s. Kwality Printing Works, Mangal Bazar, Jansath, (Distt. Muzaffarnagar).

[No. 74/KAN/72/ENF]

कानपुर, 30 मई, 1973

प्रादेश

का० प्रा० 3612—सर्वश्री वाबू लाल बसंत लाल पंडि क०, बापुरोड, फिरोजाबाद (जिला आगरा) जो कांसा पाउडर के आयात के लिए निम्नलिखित लाइसेंस जारी किए गए थे:

- (1) पी/एम/1752334 दिनांक 28-8-71 मूल्य 1,500 रु०
- (2) पी/एम/1752335 दिनांक 28-9-71 मूल्य 750 रु०
- (3) पी/एम/1752336 दिनांक 28-8-71 मूल्य 750 रु०

2. तत्पश्चात उन्हें एक कारण बताओ गूचना सं० इन्फ/II(100)/1971/कान/8190 दिनांक 28-10-72 यह पूछते हुए जारी की गई थी कि कारण बताओ गूचना की पावती के 15 दिनों के भीतर कारण बताएं कि उन के नाम में जारी किए गए उक्त लाइसेंस को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उन का कारबाना 29-10-70 से बन्द पड़ा है। उन्हें अपने मामले के संबंध में अक्तिगत मुनवाई के लिए भी अवमर दिया गया था।

3. उक्त कारण बताओ गूचना के उत्तर में सर्वश्री वाबू लाल बसंत लाल पंडि क०, फिरोजाबाद जिला आगरा ने अपने पत्र सं० पूर्ण दिनांक 2-11-72 में 28-11-72 के लिए अक्तिगत मुनवाई के लिए प्राप्तीना की थी और उन्हें 15 फरवरी, 1973 की अक्तिगत मुनवाई के लिए अवमर दिया गया था देखें उक्त कारबाना का पत्र सं० इन्फ/II(100)/1971/कान/12073 दिनांक 31-1-1973 किन्तु अभी तक अक्तिगत मुनवाई के लिए कोई भी नहीं आया है।

4. अधीक्षित व्यवालिटी ने मामले की भली-भांति जांच कर ली है और इस परिणाम पर पहुंचा है कि चूंकि सर्वश्री वाबू लाल बसंत लाल पंडि, फिरोजाबाद, जिला आगरा के पास अपने बचाव के लिए कुछ भी कहता नहीं है इसलिए, उन्होंने उत्तर देने में तथा अक्तिगत मुनवाई के लिए आनाकानी की है और जिस उद्देश्य की पूर्ति के लिए लाइसेंस जारी किए गए थे, उसे बे पूरा नहीं करेंगे।

5. पूर्व की कंडिकाओं में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधीक्षित व्यवालिटी संजुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप में अप्रभावित किए जाने चाहिए। इसलिए, अधीक्षित व्यवालिटी आयात (नियन्त्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री वाबू लाल

बसंत साल एड क० बापूगेट, फिरोजाबाद, जिला आगरा के नाम में जारी किए गए लाइसेंस सं० पी/एस/1752334 दिनांक 28-8-71, मूल्य 1,500 रुपये पी/एस/1752335 दिनांक 28-8-71 मूल्य 750 रुपये तथा पी/एस/1752336 दिनांक 28-8-71 मूल्य 750 रुपये को एतद् द्वारा रद्द करता है।

[सं० इन्क II(100)/1971/कान]

ORDER

Kanpur, the 30th May, 1973

S.O. 3612.—The following licences for the import of Bronze Powder were issued to M/s. Baboo Lal Basant Lal & Co., Bapoogate, Firozabad, (Distt. Agra).

- (1) P/S/1752334 dated 28-8-71 for Rs. 1,500/-
- (2) P/S/1752335 dated 28-8-71 for Rs. 750/-
- (3) P/S/1752336 dated 28-8-71 for Rs. 750/-

2. Thereafter a show cause notice No. Enf. II(100)/1971/Kan/8190 dated 28-10-72 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that their factory is closed since 29-10-70. They were also given opportunity for personal hearing of their matter.

3. In response to the aforesaid show cause notice M/s. Baboo Lal Basant Lal & Co., Firozabad, Distt. Agra vide their letter No. Nil dated 2-11-72 had requested personal hearing on 28-11-72 and they have given opportunity for personal hearing on 15th Feb. 1973 vide this office letter No. Enf. II(100)/1971/Kan/12073, dated 31-1-1973, but no one has come for personal hearing as yet.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Baboo Lal Basant Lal & Co., Bapoogate, Firozabad, Distt. Agra have avoided reply and personal hearing as they have no defence to urge and that the licences will not serve the purpose for which they were granted.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (cc) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1752334 dated 28-8-71 for Rs. 1,500/-, P/S/1752335 dated 28-8-71 for Rs. 750/-, P/S/1752336 dated 28-8-71 for Rs. 750/- issued in favour of M/s. Baboo Lal Basant Lal & Co., Bapoogate, Firozabad, Distt. Agra.

[No. ENF. II(100)/1971/KAN]

प्रादेश

कानपुर, 6 जून, 1973

का०ग्रा० 3613.—सर्वश्री महेश इन्डस्ट्रीज 69, ब्रह्मपुरी, दिल्ली रोड, मेरठ मिटी को अनिषेच्न तथा अप्रतिबंधित किस्म के बाल ब्रेयरिंग तथा टेपर रोलर ब्रेयरिंग के आयात के लिए निम्नलिखित लाइसेंस जारी किए गए थे :—

- (1) पी/एस/1687961 दिनांक 27-5-71 मूल्य 2,500 रु०
- (2) पी/एस/1687962 दिनांक 27-5-71 मूल्य 1,250 रु०
- (3) पी/एस/1687963 दिनांक 27-5-71 मूल्य 1,250 रु०
- (4) पी/एस/1752722 दिनांक 6-9-71 मूल्य 2,500 रु०
- (5) पी/एस/1752723 दिनांक 6-9-71 मूल्य 1,250 रु०
- (6) पी/एस/1752724 दिनांक 6-9-71 मूल्य 1,250 रु०

2. तत्पश्चात उन्हें एक कारण बताओ सूचना सं० इन्क II(231)/1971/कान/10414 तथा दिनांक 15, 18 दिसम्बर, 1972 यह पूछते हुए जारी की गई थी कि कारण बताओ सूचना की पावती के 15 दिनों के भीतर कारण बताएँ कि उन के नाम में जारी किए गए उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उद्घोषित दिनांक य० पी० ने यह रिपोर्ट दी है कि उनका कारबाना बद्द पड़ा है। उन्हें उनके मापदंड के संबंध में अकिञ्चन सुनवाई के लिए 18, जनशरी, 1973 का दिन भी दिया गया था।

3. उक्त कारण बताओ सूचना के लिए कोई उत्तर प्राप्त नहीं हुआ है और इस कार्य के लिए निर्धारित समय बीत चुका है।

4. अधोहस्ताक्षरों ने मामले की भलि भाँति जांच कर ली है और इस परिणाम पर पहुंचा है कि सर्वश्री महेश इन्डस्ट्रीज, 69 ब्रह्मपुरी, दिल्ली रोड, मेरठ मिटी ने बास्तव में कारबाना बन्द कर दिया है और लाइसेंस जिसे उद्देश्य की पूर्ति के लिए जारी किए थे उसे वे पूरा नहीं करेंगे।

5. पूर्व की कंडिकाओं में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से अप्रभावित किए जाने चाहिए। इस लिए अधोहस्ताक्षरों नया संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की धारा 9 उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री महेश इन्डस्ट्रीज, 69, ब्रह्मपुरी, दिल्ली रोड, मेरठ मिटी को जारी किए गए लाइसेंस सं० पी/एस/1687961 दिनांक 27-5-71 मूल्य 2,500 रु०; पी/एस/1687962 दिनांक 27-5-71 मूल्य 1,250 रु०; पी/एस/1687963 दिनांक 27-5-71 मूल्य 1,250 रु०; पी/एस/1752722 दिनांक 6-9-71 मूल्य 250 रु०; पी/एस/1752723 दिनांक 6-9-71 मूल्य 1,250 रु०; पी/एस/1752724 दिनांक 6-9-71 मूल्य 1,250 रु० को एतद् द्वारा रद्द करता है।

[सं० इन्क II(231)/1971/कान]

ORDER

Kanpur, the 6th June, 1973

S.O. 3613.—The following licences for the import of non-banned and non-restricted types of ball bearings and taper roller bearings were issued to M/s. Mahesh Industries 69, Brahmputra, Delhi Road, Meerut City:—

- (i) P/S/1687961 Dt. 27-5-71 for Rs. 2,500
- (ii) P/S/1687962 Dt. 27-5-71 for Rs. 1,250
- (iii) P/S/1687963 Dt. 27-5-71 for Rs. 1,250
- (iv) P/S/1752823 Dt. 6-9-71 for Rs. 1,250
- (v) P/S/1752723 Dt. 6-9-71 for Rs. 1,250
- (vi) P/S/1752724 Dt. 6-9-71 for Rs. 1,250

2. Thereafter a show cause notice no. ENF. II(231)/1971/KAN/10/14 & 15 dated 18th Dec. 1972 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that the Director of Industries U.P. has reported that their factory is closed. They were also given 18th Jan. 1973 for personal hearing of their matter.

(3) No reply to the said show cause notice has so far been received and the stipulated period for reply has expired.

(4) The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Mahesh Industries, 69 Brahmputra Delhi Road, Meerut City had actually closed down and the licences will not serve the purpose for which they were issued.

(5) Having regard what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (cc) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1687961 Dt. 27-5-71 for Rs. 2,500/-, P/S/1687962 Dt. 27-5-71 for Rs. 1,250/-, P/S/1687963 Dt. 27-5-71 for Rs. 1,250/-, P/S/1752722 Dt. 6-9-71 for Rs. 2,500/- P/S/1752723 Dt. 6-9-71 for Rs. 1,250/-, P/S/1752724 Dt. 6-9-71 for Rs. 1,250/- issued of M/s. Mahesh Industries, 69 Brahmputra Delhi Road, Meerut City.

[No. ENF. II(231)/1971/KAN]

प्रादेश

कानपुर, 14 जून, 1973

का. आ. 3614.—सर्वश्री इन्डियन सिन्थेटिक एंड फिलामेंट कार्पोरेशन, 120/14, लाजपत नगर कानपुर को स्वीकृत किस्म के सिन्थेटिक रेजिन, अर्गेनिक पिग्मेंट, मध्यस्थ रंगों के आयात के लिये निम्नलिखित लाइसेंस स्वीकृत किये गये थे :—

(1) पी/एस/1654859,	दिनांक 8-7-70	मूल्य 25,000
(2) पी/एस/1654860	दिनांक 8-7-70	मूल्य 25,000
(3) पी/एस/1687898	दिनांक 30-4-71	मूल्य 18,110
(4) पी/एस/1687899	दिनांक 30-4-71	मूल्य 9,055/-
(5) पी/एस/1687900	दिनांक 30-4-71	मूल्य 9,055/-
(6) पी/एस/1688153	दिनांक 5-6-71	मूल्य 19,500/-
(7) पी/एस/1688154	दिनांक 5-6-71	मूल्य 9,750/-
(8) पी/एस/1688155	दिनांक 5-6-71	मूल्य 9,750/-

2. तत्पश्चात उन्हें एक कारण बताओ सूचना संख्या 125/कान/72/एन्फ I 10412 तथा 13 पूछते हुवे जारी की गई थी कि कारण बताओ सूचना की पाक्ती के 15 दिनों के भीतर बताएं कि उनके नाम में जारी किये गए उपर्युक्त लाइसेंसों की क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उत्तेंग निदेशक, यू० पी० ने यह बताया है कि उनका कारखाना बद्ध हो गया है। उन्हें अपने मामले में व्यक्तिगत सुनवाई के लिये भी 19 जनवरी 1973 का दिन दिया गया था।

3. उपर्युक्त कारण बताओ सूचना के लिये अभी तक कोई उत्तर प्राप्त नहीं हुआ है और उत्तर देने के लिये निर्धारित अवधि समाप्त हो चुकी है।

4. अधोहस्ताक्षरी ने मामले की भली-भांति जांच कर ली है और इस परिणाम पर पढ़ुचा है कि सर्वश्री इन्डियन सिन्थेटिक एंड फिलामेंट कार्पोरेशन, 120/14, लाजपतनगर, कानपुर-5 ने वास्तव में कारखाना बद्ध कर दिया था और जिस उद्देश्य की पूर्ति के लिये लाइसेंस जारी किये गये थे उसे भी पूरा नहीं करेंगे।

5. पूर्व की कंडिक्शनों में जो कुछ भी बताया गया है उसे घ्यान में रखते हुवे अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से अप्रभावित किये जाने चाहिए। इसलिये, अधोहस्ताक्षरी यथा संशोधित आयात (नियन्त्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 उपधारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुवे लाइसेंस सं० पी/एस/1654859, दिनांक 8-7-70 मूल्य 25,000 रु० पी/एस/1654860, दिनांक 8-7-70 मूल्य 25,000 रु० पी/एस/1687898 दिनांक 30-4-71 मूल्य 18,110 रु० पी/एस/1687899 दिनांक 30-4-71 मूल्य 9,055 रु० पी/एस/1688153 दिनांक 5-6-71 मूल्य 19,500 रु० पी/एस/1688154

दिनांक 5-6-71 मूल्य 9,750 रु०, पी/एस/1688155 दिनांक 5-6-71 मूल्य 9,750 रु० को एतद्वारा रद्द करता है।

[संख्या : 125/कान/72/एन्फ]

ORDER

Kanpur, the 14th June, 1973

S.O. 3614.—The following licences for the import of Synthetic Resins Organic Pigments, Dyes Intermediate of permissible types were issued to M/s. Indian Synthetic and Filament Corporation, 120/14, Lajpat Nagar, Kanpur-5.

- (1) P/S/1654859 dated 8-7-70 for Rs. 25,000/-
- (2) P/S/1654860 dated 8-7-70 for Rs. 25,000/-
- (3) P/S/1687898 dated 30-4-71 for Rs. 18,110/-
- (4) P/S/1687899 dated 30-4-71 for Rs. 9,055/-
- (5) P/S/1687900 dated 30-4-71 for Rs. 9,055/-
- (6) P/S/1688153 dated 5-6-71 for Rs. 19,500/-
- (7) P/S/1688154 dated 5-6-71 for Rs. 9,750/-
- (8) P/S/1688155 dated 5-6-71 for Rs. 9,750/-

(2) Thereafter a show cause notice No. 125/Kan/72/Enf/10412 & 13 dated 16th Dec. 1972 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that the Director of Industries, U.P., has informed that their factory has closed. They were also given 19th Jan. 1973 for personal hearing of their matter.

(3) No reply to the said show cause notice has so far been received and the stipulated period for reply has expired.

(4) The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Indian Synthetic and Filament Corporation, 120/14, Lajpat Nagar, Kanpur-5 had actually closed down and the licences will not serve the purpose for which they were issued.

(5) Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (cc) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences Nos. P/S/1654859 dated 8-7-1970 for Rs. 25,000/-, P/S/1654860 dt. 8-7-70 for Rs. 25,000/-, P/S/1687898 dt. 30-4-71 for Rs. 18,110/-, P/S/1687899 dt. 30-4-71 for Rs. 9,055/-, P/S/1687900 dt. 30-4-71 for Rs. 9,055/-, P/S/1688153 dt. 5-6-71 for Rs. 19,500/-, P/S/1688154 dated 5-6-71 for Rs. 9,750, P/S/1688155 dt. 5-6-71 for Rs. 9,750/- issued in favour of M/s. Indian Synthetic and Filament Corporation, 120/14, Lajpatnagar, Kanpur-5.

[No. 125/KAN/72/ENF]

प्रादेश

कानपुर, 30 जुलाई, 1973

का. आ. 3615.—सर्वश्री एपरक्यान इन्जी० कं० लक्ष्मी कार्पोरेशन हस्टेट प्रोपोजिट छकूदिया महाविह, अमृतसरावाद को मैकेनिकल सीमीलैस अवाय ट्यूबिंग, बाल ब्रेयरिंग्स आदि के आयात के लिए निम्नलिखित लाइसेंस स्वीकृत किए गए थे :—

- (1) पी/एम/2674147 दिनांक 31-3-72 मूल्य 43,435 रु०
- (2) पी/एम/2673875 दिनांक 17-3-72 मूल्य 10,169 रु०

2. तत्पश्चात उन्हें एक कारण बताओ सूचना सं० 143/कान/1972/इन्फ/13929, दिनांक 27-3-1973 यह पूछते हुए जारी की गई थी कि कारण बताओ सूचना की पाक्ती के 15 दिनों के भीतर कारण बताएं कि उन के नाम में जारी किए गए उत्तर लाइसेंसों की क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि, वे मिष्यानियपग द्वारा प्राप्त किए गए थे। उन्हें अपने मामले के संबंध में व्यक्तिगत सुनवाई के लिए 21-4-73 का दिन भी दिया गया था।

3. उक्त कारण बताओ सूचना के लिए कोई उत्तर प्राप्त नहीं हुआ है और इसके लिए निर्धारित समय अतिम हो चुका है। सर्वश्री एयरक्रान इन्जी० क०, अहमदाबाद की ओर से भी कोई व्यक्ति इस प्रयोजन के लिए निश्चित तिथि को अक्तिगत सुनवाई के लिए नहीं आया है।

4. अधोहस्ताक्षरी ने मामले की भली भाँति जांच करा ली है और इस परिणाम पर पहुंचा है कि सर्वश्री एयरक्रान इन्जी० क०, अहमदाबाद ने विषयाधीन लाइसेंस मिव्यानिष्पत्ति द्वारा प्राप्त किए हैं और चूंकि उन के पास अपने बचाव के लिए कुछ भी नहीं कहता है, उन्होंने उत्तर देने तथा अक्तिगत सुनवाई के लिए आवाजानी की है।

5. पूर्व की कठिकाओं में जो कुछ भी बताया गया उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अवश्य अन्यथारूप से अप्रभावित किए जाने चाहिए। ३५ लिए, अधोहस्ताक्षरी यथा संशोधित आयात (नियंत्रण) आदेश, १९५५ की धारा ९ उप-धारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री एयरक्रान इन्जी० क०, लक्ष्मी कारोबोरेशन इस्टेट, ओपोजिट छकुदिया, अहमदाबाद को जारी किए गए लाइसेंस सं० पी/एम/2674147 दिनांक 31.3.72 मूल्य 43,435 रु० तथा पी/एम/2673875 दिनांक 17.3.72 मूल्य 10,169 रु० को एतद द्वारा रद्द करता है।

[सं० 143/कान/1972/एफ]

ORDER

Kanpur, the 30th July, 1973

S.O. 3615.—The following licences for the import of Mechanical Seamless Alloy Tubing, Ball bearings etc. were issued to M/s. Aircon Engineering Co., Laxmi Corporation Estate, Opp. Chakudia Mahadev, Ahmedabad:—

1. P/M/2674147 dated 31-3-72 for Rs. 43,435/-
2. P/M/2673875 dated 17-3-72 for Rs. 10,169/-
2. Thereafter a show cause notice No. 143/Kan/1972/Enl/13929, dated 27-3-1973 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licence in their favour should not be cancelled on the ground that they were obtained through misrepresentation. They were also given 21-4-73 for personal hearing of their matter.

3. No reply to the above said show cause notice has been received and the time stipulated for the same has expired. No one on behalf of the above said M/s. Aircon Engg. Co., Ahmedabad has also turned up for personal hearing on the date fixed for the purpose.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. Aircon Engg. Co., Ahmedabad have obtained the licences in question through misrepresentation and have avoided the reply and personal hearing as they have no defence to urge.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub-clause (a) of the Imports (Control) Order, 1955 dated 7-12-1955, as amended, hereby cancels the licences No. P/M/2674147 dated 31-3-72 for Rs. 43,435/- & P/M/2673875 dated 17-3-72 for Rs. 10,169/- issued in favour of M/s. Aircon Engineering Co., Laxmi Corporation Estate, Opp. Chakudia Mahadev, Ahmedabad.

[No. 143/KAN/1972/ENI]

आदेश

का. प्रा. 3616.—सर्वश्री इन्टरनेशनल प्रोडक्ट ८९/२०८, बांस मंडी, कानपुर को बैलिंग के निर्माण के लिये २१० डिनियरी तथा इससे अधिक के अधीनिंगक नाइलोन सूत के आयात के लिये निम्नलिखित लाइसेंस जारी किये गये थे:—

1. पी/एम/1755376, दिनांक 18-2-1972 मूल्य 6,000 रुपये।

2. पी/एम/1755377, दिनांक 18-2-1972 मूल्य 6,000 रुपये।

2. तत्पश्चात् उन्हें एक बारांग बताओ द्वारा सूचना संदेश १६९/कान/७२/इन्क/१५३९ दिनांक २७ अप्रैल, १९७३ यह पूछते हुए जारी की गई थी कि कारण बताओ सूचना की पात्री से १५ दिनों के भीतर कारण बातये कि उनके नाम में जारी किये गये उपर्युक्त लाइसेंसों को नयों न रद्द कर दिया जाना चाहिये और उन्हें इस आदान पर कि उनके पास बैलिंग उत्पाद के निर्माण करने के लिये आवश्यक मणीन नहीं है। उन्हें उनके मामले के सम्बन्ध में अविकल्पना सुनवाई के लिये २१-७-१९७३ की तिथि की गई थी।

3. उपर्युक्त कारण बताओ सूचना के उत्तर में सर्वश्री इन्टरनेशनल प्रोडक्ट्स ८९/२०८, बांस मंडी, कानपुर ने अपने पत्र दिनांक ४ मई, १९७३ में यह प्रतिवेदित किया था कि वे आईनेस्स पैरापूट कारब्रेन को संभरण किये जाने वाले स्टोर्स के निर्माण में लगे हुए थे और उन्हें अधिकतम भुतवाई के दोरान में भी इसी बात पर बल दिया था।

4. अधोहस्ताक्षरी ने मामले की भली-भाँति जांच करली है और इस परिणाम पर पहुंचा है कि सर्वश्री इन्टरनेशनल प्रोडक्ट्स ८९/२०८, बांस मंडी, कानपुर के पास बैलिंग उत्पाद के निर्माण के लिये आवश्यक मणीन नहीं है और जिस उद्देश्य की पूति के लिये लाइसेंस जारी किये गये थे वे उसे पूरा नहीं करेंगे।

5. पूर्व की कठिकारी में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अवश्य अन्यथा रूप से अप्रभावित किये जाने चाहिये। इस लिये अधोहस्ताक्षरी यथासंघर्षित आयात (नियंत्रण) आदेश, १९५५ की धारा ९ उप-धारा (सीसी) के के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री इन्टरनेशनल प्रोडक्ट्स ८९/२०८, बांस मंडी, कानपुर को जारी किये गये लाइसेंस संदेश पी/एम/1755376, दिनांक 18-2-1972 मूल्य 6,000 रुपये तथा पी/एम/1755377, दिनांक 18-2-1972 मूल्य 6,000 रुपये को एतद्वारा रद्द करता है।

[सं० 169/कान/७२/इन्क]

ORDER

S.O. 3616.—The following licences for the import of Industrial Nylon Yarn of 210 Deniers & above for the Mfrs. of Belting were issued to M/s. International Products 89/208, Bansmandi, Kanpur:—

1. P/S/1755376 dt. 18-2-1972 for Rs. 6000.

2. P/S/1755377 dt. 18-2-1972 for Rs. 6000.

2. Thereafter a Show cause notice No. 169/KAN/72/PNI/1539 dated the 27th April, 1973 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they do not possess the machinery required for the manufacture of the product Belting. They were also given personal hearing of their matter on 21-7-1973 as per their request.

3. In response to the aforesaid show cause notice M/s. International Products 89/208, Bansmandi, Kanpur vide their letter dt. the 4th May, 1973 stated that they were engaged in the manufacturing of Stores to be supplied to Ordnance Parachute Factory and emphasised on the same point at the time of personal hearing.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/s. International Products, 89/208, Bansmandi, Kanpur do not possess the machine required for manufacture of the Product Belting & the licences in question will not serve the purpose for which they were issued.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (cc) of the Imports (Control) order, 1955 dated 7-12-1955, as amended hereby cancels the licences Nos. P/S/1755376 dt. 18-2-1972 for Rs. 6000 & P/S/1755377 dt. 18-2-1972 for Rs. 6000 issued in favour of M/s. International Products, 89/208, Bansmandi, Kanpur.

[No. 169/KAN/72/ENF]

आदेश

का.प्रा. 3617.—सर्वश्री अधिकारी प्रशिक्षण इम्पिलमेंट्स बर्कर्स, ओल्ड मेरठ रोड, हापुड़ (41, मुहल्ला छत्ता गाजियाबाद पर भी) को बाल-बैरिंग्स, मिलिन्कीवल तथा टेपर रोलर बैरिंग्स के आवात के लिए निम्नलिखित आवात लाइसेंस स्वीकृत किए गए थे :—

रु.

(1) पी०/एम०/1656026, दिनांक 5-10-1970 मूल्य 46713
(2) पी०/एम०/1656027, वही „ 394960
(3) पी०/एम०/1656028, वही „ 411679
(4) पी०/एग०/1685938, दिनांक 11-3-1971 „ 38927
(5) पी०/एम०/1685939, वही „ 19463
(6) पी०/एम०/1685940, वही „ 19463

2. निम्ननात् उन्हें एक कारण बताओ भूचना मंज्या : इफ- (35)/1971/कान/3528, तथा 3539, दिनांक 30-7-1971 यह पुछते हुए जारी की गयी थी कि कारण बताओ भूचना की पावती के प्राप्त होने के 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किये गये उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिये और उन्हें इस आधार पर कि अपने सनदों अंतर्वाल के प्रमाण-पत्र दिनांक 2-3-1973 पर आधारित दस्तावेजों को प्रमुख नहीं किया गया था और अपने हस्ताक्षरी ने हर्दी कारणों पर विवाद किया था कि लाइसेंस निम्न्या निल्पण द्वारा प्राप्त किए गए थे। उन्हें कारण बताओ भूचना की पावती से 15 दिनों के भीतर अपने मापने के संबंध में व्यक्तिगत सुनवाई के लिये भी अधसर दिया गया था।

3. उपर्युक्त कारण बताओ भूचना के लिये न तो कोई उत्तर ही प्राप्त हुआ है और वही कोई व्यक्तिव्यक्तिगत सुनवाई के लिये आया है।

4. अधोहस्ताक्षरी मामले की भली भाँति जांच कर ली है और इस परियाप्त पर पहुँचा है कि मार्केजिनिक एग्रीकल्चरल इम्पिलमेंट बर्कर्स ने पिछला निल्पण द्वारा लाइसेंस प्राप्त किये थे और उनके पास अपने बनाव के लिये तुछ भी कारण नहीं है इसलिये, उन्होंने उत्तर देने में आना काना की है।

5. पूर्व की कंडिकाओं में जो कुछ भी बताया गया है उमे ध्यान में रखते हुए अधोहस्ताक्षरी संबुद्ध है कि बिषयाधीन लाइसेंस रद्द अथवा अन्यथा रुप से अप्रभावित किये जाने चाहियें। इसलिये, अधोहस्ताक्षरी पथा रांशोधित आवात (नियंत्रण) अधिकारी, 1955 की धारा 9 की उपधारा (सीमी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मर्वंशी आयरन एग्री-

कल्चरल इम्पिलमेंट, ओल्ड मेरठ रोड, हापुड़ (41, मुहल्ला छत्ता, गाजियाबाद पर भी है) के नाम में जारी किये गये लाइसेंस संख्या: पी०/एम०/1656026, दिनांक 5-10-1970 मूल्य 46713 रुपये, पी०/एम०/1656027 दिनांक 5-10-1970 मूल्य 394960 रुपये, पी०/एम०/1656028, दिनांक 5-10-1970 मूल्य 441679 रुपये, पी०/एम०/1685938, दिनांक 11-3-1971 मूल्य 38927 रुपये, पी०/एम०/1685939, दिनांक 11-3-1971 मूल्य 19463 रुपये तथा पी०/एम०/1685940, दिनांक 11-3-1971 मूल्य 19163 रुपये तो प्रदत्त द्वारा रद्द करता है।

[सं. इफ-2/(35)/1971/कान]

ORDER

S.O. 3617.—The following licences for the import of Ball Bearings, Cylindrical & Taper Roller Bearings etc. were issued to M/s. Iron Agricultural Implements Works, Old Meerut Road, Hapur (also at 41, Mohalla Chatta, Ghaziabad).

- (i) P/S/1656026 Dt. 5-10-1970 for Rs. 46713/-
- (ii) P/S/1656027 Dt. 5-10-1970 for Rs. 39,4960/-
- (iii) P/S/1656028 Dt. 5-10-1970 for Rs. 441679/-
- (iv) P/S/1685938 Dt. 11-3-1971 for Rs. 38927/-
- (v) P/S/1685939 Dt. 11-3-1971 for Rs. 19463/-
- (vi) P/S/1685940 Dt. 11-3-1971 for Rs. 19463/-

(2) Thereafter a Show Cause notice No. Enf. II(35)/1971/KAN/3528 & 3539 dated 30-7-1971 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they had not furnished the documents forming the basis of their Chartered Accountant's Certificate dated 2-3-1971 and the undersigned had the reasons to believe that the licences were obtained by misrepresentation. They were also given an opportunity for personal hearing of their matter within 15 days of the date of receipt of the show cause notice.

(3) Neither any reply to the said show cause notice has been received so far nor has any one turned up for personal hearing.

(4) The undersigned has carefully considered the matter and has come to the conclusion that the said M/s Iron Agricultural Implements Works have obtained licences by misrepresentation and have avoided a reply as they have no defence to urge.

(5) Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (a) of the imports (Control) order, 1955 dated 7-12-1955, as amended, hereby cancels the licences No's P/S/1656026 Dt. 5-10-1970 for Rs. 46,713; P/S/1656027 Dt. 5-10-1970 for Rs. 3,49,960; P/S/1656028 Dt. 5-10-1970 for Rs. 4,41,679; P/S/1685938 Dt. 11-3-1971 for Rs. 38,927; P/S/1685939 Dt. 11-3-1971 for Rs. 19,463/-; P/S/1685940 Dt. 11-3-1971 for Rs. 19,463/- issued in favour of M/s. Iron Agricultural Implements Works, Old Meerut Road, Hapur (also at 41, Mohalla Chatta, Ghaziabad).

[No. ENF. II (35)/1971/KAN/]

आदेश

कानपुर, 31 जूलाई, 1973

का.प्रा. 3618.—पर्याप्ती ईगल इंजिनियरिंग, 262, ब्रेगम बाग मेरठ को नाम्बा, जस्ता, बाल बैरिंग्स, मिलिन्कीवल तथा टेपर रोलर बैरिंग्स के आवात के लिये निम्नलिखित लाइसेंस जारी किये जाये थे :—

1. पी०/एम०/1656061, दिनांक 7-10-70 मूल्य रु. 1,05,000

2. पी/एस/1656062,	दिनांक 7-10-70	मूल्य रु 1,05,000
3. पी/एस/1656985,	दिनांक 28-11-70	मूल्य रु 8,11,280
4. पी/एस/1656986,	दिनांक 28-11-70	मूल्य रु 4,05,640
5. पी/एस/1656987,	दिनांक 28-11-70	मूल्य रु 4,05,640

तपर्युक्त उन्हें एक कारण बताओ मूच्चना संबंधः इन्फ-2(28)/कान/4375 दिनांक 5-8-71 वह पूछते हुये जारी की गई थी कि कारण बताओ मूच्चना की पावती से 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किये गये उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिये और उन्हें इस आधार पर कि उन्हें सनदी लेखापाल के प्रमाण-पत्र दिनांक 18-3-71 पर आधारित दस्तावेजों को प्रत्युत्त करने के लिये कहा गया था किन्तु वे उन्हें भेजने में असमर्थ रहे थे और इसलिये अधो-हस्ताक्षरी को इन्हीं कारणों के आधार पर विश्वास था कि वे लाइसेंस और सनदी लेखापाल के प्रमाण-पत्रों के मद्दे प्राप्त किये गये थे वे मिथ्या निरूपण द्वारा प्राप्त किये गये थे। उन्हें इस प्रयोजन के लिये कारण प्रताओ मूच्चना में यथा उल्लिखित उत्तर के लिये निर्धारित अवधि के भीतर अधोहस्ताक्षरी के साथ व्यक्तिगत सुनवाई के लिये भी अवसर दिया गया था।

3. उपर्युक्त कारण बताओ मूच्चना के लिये अपने उत्तर दिनांक 28-8-1971 में सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज ने साथ-साथ वह भी बताया कि उन्होंने अपनी मिसिल लीगल एडवाइजर्स एन्ड कॉ, दरियांगंज को दो दो भी और उन्हें कानूनी रूप से वह प्रतिवेदित करने के लिये परामर्श दिया गया था कि उनके लाइसेंसों को रद्द करता असंगत होगा क्योंकि उपर्युक्त लाइसेंस मिथ्या निरूपण द्वारा प्राप्त नहीं किये गये थे। उन्होंने अपने उत्तर में आगे वह बताया कि उनका कानूनी परामर्शदाता शीघ्राती-शीघ्र उचित प्रमाण पत्र तथा साथ समर्थ प्रत्युत्त करेगा। बाद में सर्वेश्वी लीगल एडवाइजर्स की रिली की फर्म ने अपने पत्र दिनांक 3-10-1971 में लिखा कि वे सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज के रिकाउं की जांच कर रहे थे और शीघ्र ही उनका प्रतिनिधि इस मामले को सही रूप से प्रस्तुत करने के लिये आयेगा। उन्होंने इस प्रयोजन के लिये दो जाने वाली निश्चित एक तिथि के लिये इच्छा प्रकट की थी। इसके जवाब में सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज को एक पत्र दिनांक 6-11-1971 भेजा गया था जिसमें वह बताया गया गया था कि वे उपर्युक्त पत्र के जारी होने के 15 दिनों के भीतर अपने प्रतिनिधियों को भेज दें। अन्त में सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज के प्रतिनिधि 8-12-1971 को व्यक्तिगत सुनवाई के लिये उपस्थित हुये थे। वे अपने साथ किसी किस्म के दस्तावेज नहीं लाए थे और उन्होंने इन्हें प्रस्तुत करने के लिये समय मार्ग था। सर्वेश्वी लीगल एडवाइजर्स, दिल्ली के पत्र दिनांक 3-2-72 के साथ उपर्युक्त सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज के दो लाइसेंसों की दो फोटोस्टेट प्रतियों के भेजने के अतिरिक्त जो इस मामले से संबंधित नहीं हैं और किसी किस्म के वस्तवावेज अभी तक इस मामले में नहीं भेजे गए हैं।

4. अधोहस्ताक्षरी में मामले की भली-भांति जांच कर ली है और इस परिणाम पर पहुंचा है कि सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज ने किसी किस्म के दस्तावेज नहीं भेजे हैं और सनदी लेखापाल के प्रमाण-पत्रों के मद्दे मिथ्या निरूपण द्वारा प्राप्त करने रहे हैं।

5. पूर्व की कहिकारों में जो कुछ भी बताया गया है उसे ध्यान में रखते हुये अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथारूप में अप्रभावित किये जाने चाहिये। इसलिये, अधोहस्ताक्षरी यथा संशोधित आगत (नियंत्रण) अवैश 1955, दिनांक 7-12-1955 की धारा 9 उत्तराधारा (सीसी) के अन्तर्गत प्रदत्त, अधिकारों वा प्रयोग कर सर्वेश्वी ईगल इलैक्ट्रिकल इन्डस्ट्रीज, 262-बेगम बाग, मेरठ को जारी किये गये

लाइसेंस संख्या पी/एस/1656061, दिनांक 7-10-70 मूल्य 1,05,000 रु. पी/एस/1656062, दिनांक 7-10-70 मूल्य 1,05,000/रु. पी/एस/1656985, दिनांक 28-11-70 मूल्य 8,11,280/-रु., पी/एस/1656986, दिनांक 28-11-70 मूल्य 4,05,640 रु., पी/एस/1656987, दिनांक 28-11-70 मूल्य 4,05,640-रु. को एतद्वारा रद्द करना है।

[संलग्न : इन्फ-2(28)/1971/कान]।

ORDER

Kanpur, the 31st July, 1973

S.O. 3618.—The following licences for the import of Copper, Zinc, Ball Bearings, Cylindrical & Taper Roller Bearings etc. were issued to M/s Eagle Electrical Industries, 262 Begum Bagh, Merrut.

1. P/S/1656061 dated 7-10-70 for Rs. 1,05,000.
2. P/S/1656062 dated 7-10-70 for Rs. 1,05,000.
3. P/S/1656985 dated 28-11-70 for Rs. 8,11,280.
4. P/S/1656986 dated 28-11-70 for Rs. 4,05,640.
5. P/S/1656987 dt. 28-11-70 for Rs. 4,05,640.

2. Thereafter a Show cause notice No. Enf.II(28)/1971/KAN/4375 dated 5-8-1971 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they had been asked to furnish the documents forming the basis of the Chartered Accountant's Certificate dt. 18-3-71 which they had failed to furnish & the undersigned had, therefore, reasons to believe that the licences that were obtained against chartered Accountants certificates had been obtained by misrepresentation. They had also been given an opportunity for personal hearing by appearing before the undersigned for the purpose within the period stipulated for reply as given in the show cause notice.

3. In reply dt. 28-8-1971 to the above show cause notice the said M/S Eagle Electrical Industries said *inter alia* that they had given their files to M/S Legal Advisers & Co., Daryaganj, New Delhi and that they had been legally advised to state that it would be improper to cancel their licences as they were never obtained by misrepresentation. They further said in the reply that their legal consultants would produce proper proofs & evidence at an early date. Subsequently the firm of M/S Legal Advisers, Delhi write in their letter dated 3-10-1971 that they were checking the records of the said M/S Eagle Electrical Industries and their attorney would soon be appearing for proper representation of the matter. They desired a date to be given for the purpose. In response to this a letter dated 6-11-1971 was sent to the said M/S Eagle Electrical Industries to send their representatives within fifteen days thereof. Ultimately representatives of the said M/S Eagle Electrical Industries appeared for personal hearing on 8-12-1971. They had not brought any documents with them and wanted time to produce the same. A part from sending photostat copies to two of the licences of the said M/S Eagle Electrical Industries under M/s Eagle Advisers, Delhi's letter 3-2-1972, which are not relevant to the matter, no other documents have been furnished in this case as far.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/S Eagle Electrical Industries have no documents to furnish and have

been obtaining licences against Chartered Accountants certificates by misrepresentation.

M/S Eagle Electrical Industries,
262, Begum Bagh Meerut.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (a) of the Imports (Control) order, 1955 dated 7-12-1955, as amended, hereby cancels the licences No's P/S/1656061 dt. 7-10-70 for Rs. 1,05,000; P/S/1656062 dated 7-10-1970 for Rs. 1,05,000; P/S/1656985 dt. 28-11-70 for Rs. 8,11,280; P/S/1656986 dt. 28-11-70 for Rs. 4,05,640; P/S/1656987 dt. 28-11-70 for Rs. 4,05,640 issued in favour of M/s. Eagle Electrical Industries. 262-Begum Bagh, Meerut.

[No. ENF. II(28)/1971/KAN]

का. अ. 3619.—सर्वेशी हिण्डन हंजी० क० हापुड़ रोड गाजियाबाद को बाल बेर्यरिस, टेपर, मिलिंगिकल स्पेयरिकल एंड नीडल गोलर बेर्यरिस आदि के प्रायात के लिए निम्नलिखित लाइसेंस स्वीकृत किए गए थे:—

1. पी/एस/1655520, विनांक 28-7-70 मूल्य 5295 रु
2. पी/एस/1655521, विनांक 28-7-70 मूल्य 5295 रु
3. पी/एस/1657924, दिनांक 30-12-70 मूल्य 281061 रु
4. पी/एस/1657925, दिनांक 30-12-70 मूल्य 140530 रु
5. पी/एस/1657926, दिनांक 30-12-70 मूल्य 140530 रु

2. तपायनात् उन्हें एक कारण बताये गये संख्या इन्फ-2(20) 1971/कान/3524, दिनांक 30-7-1970 यह पूछते हुए जारी की गई थी कि कारण बताये गये सूचना की पावती के 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए गए उपर्युक्त लाइसेंसों को क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उन्हें मनदी लेखापाल के प्रमाणपत्र दिनांक 20-11-1970 पर आधारित दस्तावेजों को प्रस्तुत करने के लिए कहा गया था जिन्हें वे प्रस्तुत करने में असमर्थ रहे और अधीक्षताकारी को इन्हीं कारणों पर विश्वास था कि सनदी लेखापाल के प्रमाणपत्रों के मद्दे प्राप्त किए गए लाइसेंस मिथ्यानिरूपण द्वारा प्राप्त किए गए थे। उन्हें उत्तर के लिए कारण बताये गये सूचना में निर्धारित अवधि के भीतर व्यक्तिगत मुनवाई के लिए भी अवगत दिया गया था।

3. उपर्युक्त कारण बताये गये सूचना के उत्तर में सर्वेशी हिण्डन हंजी० क० ने प्राप्त तत्र दिनांक 20-8-1971 में विषयाधीन दस्तावेजों को प्रस्तुत करने के लिए 25 दिनों की अवधि मांगी थी किन्तु अभी तक उन्होंने उन्हें प्रस्तुत नहीं किया है।

4. अधीक्षताकारी ने मामले की भली भांति जांच करली है और इस परिणाम पर पहुंचा है कि उक्त हिण्डन हंजी० क० के पास प्रस्तुत करने के लिए कोई दस्तावेज नहीं है और उन्होंने मिथ्या निरूपण द्वारा लाइसेंस प्राप्त किए थे।

5. पूर्व की कंटिकाओं में जो कुछ भी बताया गया है उसे ध्यान में रखते हुए अधीक्षताकारी मनुष्ट है कि विषयाधीन लाइसेंस रद्द अवधा अन्यथा रूप से अप्रभावित किए जाने चाहिए। इसलिए, अधीक्षताकारी यथा संशोधित आयात (नियंत्रण) मार्गे, 1955, विनांक 7-12-1955

की धारा 9 उप-धारा (मीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सर्वेशी हिण्डन हंजी० क० हापुड़ रोड, गाजियाबाद को जारी किए गए लाइसेंस संख्या पी/एस/1655520, विनांक 28-7-70 मूल्य 5295 रु, पी/एस/1655521, विनांक 28-7-70 मूल्य 5295 रु, पी/एस/1657924 दिनांक 30-12-70 मूल्य 2,81,061 रु, पी/एस/1657925, विनांक 30-12-70 मूल्य 1,40,530 रु पी/एस/1657926 दिनांक 30-12-70 मूल्य 1,40,530 रु को एतद्वारा रद्द करता है।

[सं. इन्फ-2(20)/1971/कान]

ओ० एन. आनन्द, उप-मुख्य नियंत्रक

ORDER

S.O. 3619.—The following licences for the import of Ball Bearings; Taper, Cylindrical Spherical & Needle Roller Bearings etc. were issued to M/s. Hindon Engineering Co., Hapur Road, Ghaziabad.

1. P/S/1655520 dt. 28-7-70 for Rs. 5295/-
2. P/S/1655521 dt. 28-7-70 for Rs. 5295/-
3. P/S/1657924 dt. 30-12-70 for Rs. 2,81,061/-
4. P/S/1657925 dt. 30-12-70 for Rs. 1,40,530/-
5. P/S/1657926 dt. 30-12-70 for Rs. 1,40,530/-

2. Thereafter a Show cause notice No. Enf.II(20)/1971/KAN/3524 dated 30-7-1970 was issued to them asking to show cause within fifteen days of the date of receipt of notice as to why the said licences in their favour should not be cancelled on the ground that they had been asked to furnish the documents forming the basis of Chartered Accountant's certificate dated 20-11-1970 which they failed to do & the undersigned, therefore, had reasons to believe that the licences that were obtained against the Chartered Accountants certificates had been obtained by misrepresentation. They were also afforded an opportunity for personal hearing within the period stipulated in the notice for reply.

3. In reply to the above said show cause notice the said M/S Hindon Engineering Co., vide their letter dt. 20-8-1971 asked for 25 days time produce the documents in question but have not done so up to this time.

4. The undersigned has carefully considered the matter and has come to the conclusion that the said M/S Hindon Engineering Co., have no documents to furnish and have obtained licences by misrepresentation.

5. Having regard to what has been said in the preceding paragraphs the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of powers vested in him under clause 9 sub clause (a) of the Imports (Control) order, 1955 dated 7-12-1955, as amended, hereby cancels the licences No's. P/S/1655520 dt. 28-7-70 for Rs. 5295; P/S/1655521 dated 28-7-1970 for Rs. 5295 P/S/1657924 dt. 30-12-70 for Rs. 2,81,061; P/S/1657925 dt. 30-12-70 for Rs. 1,40,530/-; P/S/1657926 dt. 30-12-70 for Rs. 1,40,530/- issued in favour of M/S Hindon Engineering Co., Hapur Road, Ghaziabad.

O. N. ANAND, Dy. Chief Controller,
[No. ENF. II(20)/1971/KAN]

औद्योगिक विकास विज्ञान और प्रौद्योगिकी मंत्रालय

(भारतीय मानक संस्था)

नई दिल्ली विसम्बर, 1973

का० ग्रा० 36 '0 — गीचे जिन प्रमाणन महर लाइसेंसों के लिए दिये गये हैं या तो उनकी अवधि समाप्त हो गई है अथवा उनका नवीकरण स्थगित बन दिया गया है —

प्रत्यक्षी

क्रम नामसम सद्या तथा जारी लाइसेंसारी का नाम और मश्या करने की तिथि	वर्ष/प्रतिवा और तारीखी	एम और सद्या और लाइसेंस आईएम पदनाम	विवरण
			स्वीकृति छाग बाने गजट की तिथि

1	2	3	4	5	6
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प्रतिविधि लाइसेंस

1 सी एम/पल-979 21-12-1964	पेरियार मेटल प्रॉडक्शन, इडम्स्ट्रियल इंस्टेट हैदराबाद, कायदाताप्रम् (कर्न.)	पिटब्रॉड्युमिनियम के बनेन शाई एम 21-1959	एम आ 274 दिनांक 23-1-1965	इस लाइसेंस का नवीकरण 31-12-1972 के बाद स्थगित किया गया था अब उसी तिथि से इसको गतावधि माना जाए।
2 सी एम/पल-1565 14-11-1967	राजस्थान केबल्म इंस्ट्रीज प्रा० लि०, हैदराबाद पर्सन्या, कोटा-३ (राजस्थान)	एल्मिनियम चालका बाले पी भी सी रोशन केबल, 250/140 थोल्ट और 650/1100 वाल्ट ब्रेड चक्करीकोर के, बिना खोल ओर पी भी भी खोल बाले— आई एम 694 (भाग २) - 1961	एम आ 4569 दिनांक 23-12-1967	15-8-1973 के बाद गतावधि
3 सी एम/पल-2051 14-8-1969	पजाह डेवेलपमेंट फार्मोरेशन लि०, 1560, सेक्टर १६ डी, चंडीगढ़ (मिल्कलाट के नाम से पंक्टरी लेख में है।)	दूध पाउडर (शुद्ध और एम आ 3930 सेपेटा— आईएम 1165-1967 चंडीगढ़ (मिल्कलाट के नाम से पंक्टरी लेख में है।)	दिनांक 27-9-1969	इस लाइसेंस का नवीकरण 15-8- 1973 के बाद स्थगित कर दिया गया था अब उसी तिथि से इसको गतावधि माना जाए।
4 सी एम/पल-2520 25-1-1971	मुद्रित इंस्ट्रीज़, उत्तरगंगार, निनगुद्यिया (आगाम)	बाय की पेटियो के लिए धातु के किटिंग आईएम 10-1970	एम आ 5028 दिनांक 6-11-1971	इस लाइसेंस का नवीकरण 31-1- 1973 के बाद स्थगित कर दिया गया था अब उसी तिथि से इसको गतावधि माना जाए।
5 सी एम/पल-2926 18-2-1972	बी सी आयरन फाउण्टरी, बाग्गती पानी के बनक लोहे मुलानगज, आगरा (उ० प्र०)	के पाठ्य— आईएम 1230-1968	एम आ 2801 दिनांक 14-10-1972	31-8-1971 के बाद गतावधि
6 सी एम/पल-2952 28-2-1972	कायन उद्योग 107-ए-राजाधीरेन्द्र स्ट्रीट, कलकत्ता	बाय की पेटिया के लिए धातु धातु के किटिंग— आईएम 10-1970	एम आ 2801 दिनांक 14-10-1972	इस लाइसेंस का नवीकरण 15-3-1973 के बाद स्थगित हो विया गया था अब उसी तिथि से इसको गतावधि माना जाए।

स्थगित लाइसेंस

7 सी एम/पल-520 29-1-1973	जे बी मार्टेन एण्ड सम लि०, डबल्यू भी और सूवालयो 50-डेवेल्पमेंट चन्द्र डे रोड, के लिए कलश बी टर्किया— कनकना-१५ (कायरलिय आईएम 77-1-1971 स्टिकेट हाउस, १ डल्लौरी स्क्वायर पूर्व कलकत्ता-१)	एम आ 1383 दिनांक 18-5-1963	31-8-1973 के बाद स्थगित
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1	2	3	4	5	6
8.	सी एम/एल-1795 17-9-1968	भावनगर क्लेजीटेल प्राइवेट्स लि०, बन्दर रोड, भावनगर पर्गाकार टिन ॥ प्राई एम : 916-1966	18-लीटर समाई बाले चाय की पेटियो के लिए जिला प्राव्हाला आईएम 10-1970	एस ओ 3958 दिनांक 9-11-1968	30-9-1973 के बाद स्थगित
9.	सी एम/एल-2299 31-3-1970	कपूर टिम्बर्स, खजुरी रोड, यमुना नगर, जिला प्राव्हाला	चाय की पेटियो के लिए पट्टियाँ— आईएम 1729-1964	एस ओ 1508 दिनांक 25-4-1970	31-8-1973 के बाद स्थगित
10.	सी एम/एल-2925 18-2-1972	बी सी प्रायरन फाउंडी, सुलतानगंज, आगरा (उ० प्र०)	बातू छले लोहे के मलपाइप- आईएम 1729-1964	एस ओ 2801 दिनांक 14-10-1972	31-8-1973 के बाद स्थगित
11.	सी एम/एल-2956 9-3-1972	प्रताप हंजीनियरी अक्सर्स, सम्मुख रेलवे स्टेशन मलेरकोटला (पंजाब)	संरचना इस्पात (मानक किस्म) — आईएस: 226-1969	एस ओ 887 दिनांक 24-3-1973	15-9-1973 के बाद स्थगित
12.	सी एम/एल-2957 9-3-1972	"	संरचना इस्पात (साधारण किस्म) आईएस: 1977-1969	एस ओ 887 दिनांक 24-3-1973	15-9-1973 के बाद स्थगित
13.	सी एम/एल-3137 23-8-1972	केमिकल्स (इंडिया), 265 राय बहादुर रोड, कलकत्ता-53	इलैक्ट्रोप्लेटिंग के लिए निकेल लवन—आईएस: 1908-1968	—	31-8-1973 के बाद स्थगित
14.	सी एम/एल-3139 24-8-1972	इ. ए. जी मिनरल्स सप्लाई कं०, बी/१, हाइड रोड, बिहारपुर, कलकत्ता-1	बी एच सी धूलन पाउडर कं०, बी/१, हाइड रोड, आईएस: 561-1962	—	31-8-1973 के बाद स्थगित
15.	सी एम/एल-3141 25-8-1972	हिन्द लेवर ड्रेडिंग कं०, 37-देवेन्द्र चन्द्र के रोड, कलकत्ता-15	बनस्पति कमाए चमड़े के बने चमड़े की बालियों बाले पम्प— आईएस: 1015-1958	—	31-8-1973 के बाद स्थगित
16.	सी एम/एल-3147 30-8-1972	बी० सी० प्रायरन फाउंडी, सुलतानगंज, आगरा-4 (उ० प्र०)	मध्यम इयूटी बाले मल निकास कायी में प्रयुक्त छलवाँ लोहे के भेनहोल के ठक्कन और फेम, केवल 500 मिमी तथा 560 मिमी साइज— आईएस: 1726-1967	—	31-8-1973 के बाद स्थगित

[सं० सी एम शी/ 13:14]

MINISTRY OF INDUSTRIAL DEVELOPMENT, SCIENCE AND TECHNOLOGY
(Indian Standards Institution)

New Delhi, the 12 December, 1973

S.O. 3620.—Certification Marks Licences, details of which are mentioned in the Schedule given hereafter, have lapsed or their renewals deferred :

SCHEDULE

Sl. No. and No. date of Issue	Name and Address of the Licensee	Article/Process and the the Relevant IS : Designation	S.O. Number and date of the Gazette Notifying Grant of Licence	Remarks	
1	2	3	4	5	6
Licences lapsed					
1. CM/L-979 21-12-1964	Periyar Metal Products, Industrial Estate, Ettumanoor, Kottayam (Kerala)	Wrought aluminium utensils— IS : 21-1959	S. O. 274, dated 23-1-1965	Renewal was deferred after 31-12-1972, the licence now stands lapsed after that date.	

1	2	3	4	5	6
2.	CM/L-1565 14-11-1967	Rajasthan Cables Industries Pvt. Limited, Heavy industrial Area, Kota-3 (Rajasthan)	PVC insulated cables with aluminium conductors, 250/440 volts & 650/1100 volts grade, single core unsheathed and PVC sheathed— IS : 694(Part II) -1964	S.O. 4568 dated 23-12-1967	Lapsed after 15-8-1973
3.	CM/L-2051 14-8-1969	Punjab Dairy Development Corpn. Ltd., 1560, Sector 16 D, Chandigarh, (Factory at Verke under the style of Milk Plant).	Milk powder (whole and skim)— IS : 1165—1967	S. O. 3930, dated 27-9-1969	Renewal was deferred after 15-8-1973, the licence now stands lapsed after that date.
4.	CM/L-2520 23-1-1971	Sudershan Industries, Udyog Nagar, Tinsukia (Assam)	Tea-chest metal fittings— IS : 10—1970	S. O. 5028, dated 6-11-1971	Renewal was deferred after 31-1-1973, the licence now stands lapsed after that date.
5.	CM/L-2926 18-2-1972	B. C. Iron Foundry, Sultanganj, Agra (U.P.).	Cast iron rain water pipes - IS : 1230 —1968	S. O. 2801 dated 14-10-1972	Lapsed after 31-8-1973
6.	CM/L-2952 28-2-1972	Kayan Udyog, 107-A, Raja Dhindera Street, Calcutta.	Tea-chest metal fittings— IS : 10—1970	S. O. 2801, dated 14-10-1972	Renewal was deferred after 15-3-73 the licence stands lapsed after that date.

Licence deferred

7. CM/L-530 29-4-1963	J. B. Norton & Sons Ltd , 50 Debendra Chandra Dey Road, Calcutta-15 (Office : Stephen House, 4 Dalhousie Square East, Calcutta-1).	Flushing cisterns for water closets and urinals. IS : 774—1971	S. O. 1383, dated 18-5-1963	Deferred after 31-8-1973.
8. CM/L-1795 17-9-1968	Bhavnagar Vegetable Products Limited, Bunder Road, Bhavnagar.	18-Litre square tins— IS : 916—1966	S. O. 3958, dated 9-11-1968	Deferred after 30-9-1973.
9. CM/L-2299 31-3-1970	Kapur Timbers, Khajuri Road, Yamuna Nagar, Distt. Ambala.	Tea-chest battens IS : 10—1970	S. O. 1508, dated 25-4-1970	Deferred after 31-8-1973.
10. CM/L-2925 18-2-1972	B.C. Iron Foundry, Sultanganj, Agra (U.P.).	Sand cast iron soil pipes— IS : 1729-1964	S. O. 2801, dated 14-10-1972	Deferred after 31-8-1973.
11. CM/L-2956 9-3-1972	Partap Engineering Works, Opp. Railway Station, Malerkotla (Pb.)	Structural steel (standard quality) IS : 226—1969	S. O. 887 dated 24-3-1973	Deferred after 15-9-1973.
12. CM/L-2957 9-3-1972	Do.	Structural steel (ordinary quality) IS : 1977—1969	S. O. 887, dated 24-3-1973	Deferred after 15-9-1973.
13. CM/L-3137 23-8-1972	Chemicals (India) 265, Rai Bahadur Road, Calcutta-53.	Nickel salts for electro-plating – IS : 1809—1968	--	Deferred after 31-8-1973.
14. CM/L-3139 24-8-1972	E. A. G. Minerals Supply Co., BHC—dusting powders B/1, Hide Road, Kidderpore, Calcutta-1.	—	—	Deferred after 31-8-1973.
15. CM/L-3141 25-8-1972	Hind Leather Trading Co., 37, Debendra Chandra Dey Road, Calcutta-15.	Leather pump buckets made from vegetable tanned leather— IS : 1015—1956	--	Deferred after 31-8-1973.
16. CM/L-3147 30-8-1972	B. C. Iron Foundry, Sultanganj, Agra-4 (U.P.).	Cast iron manhole covers and frames intended for the use in drainage works, medium duty, 500 mm and 560 mm only— IS : 1726—1967	—	Deferred after 31-8-1973.

का० आ० 3621.—समय-समय पर संज्ञोवित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 5 के उपविनियम (1) के अनुसार अधिसूचित किया जाता है कि जिन भारतीय मानकों के ब्यारे नीचे अनुसूची में दिए हैं, वे रद्द कर दिये गये हैं:

अनुसूची

क्रम रद्द किए गए भारतीय मानकों की संक्षया और संख्या	जिन राजपत्र में भारतीय मानक की निर्धारण शीर्षक	दृष्टि की सूचना छपी शी उपको मानक और नियम	विवरण
1	2	3	4
1. आईएस:41-1950 रंग-रोगन के लिए हड्डी के भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2, दिनांक 26 मार्च 1955 में एस आर ओ 658 कोयले की विशिष्टि	दिनांक 26 मार्च 1955 के अन्तर्गत प्रकाशित		इन मानकों के स्थान पर आईएस:40-1971 रंग-रोगन के लिए कार्बन की कालिक की विशिष्टि (पहला पुनरीक्षण) लागू हो गई है। पहली हड्डी और बनस्पति के कोयले तथा कालिक का न तो देश में उत्पादन ही होता है और न रंग-रोगन उत्पादन में इनका इस्तेमाल ही। अतः इन मानक में यह भी सिफारिश की गई है कि इनके स्थान पर आईएस:40-1971 के अनुरूप कार्बन कालिक का इस्तेमाल किया जाए।
2. आईएस:42-1950 रंग-रोगन के लिए बनस्पति, कोयले की विशिष्टि			
3. आईएस:43-1950 रंग-रोगन के लिए कालिक की विशिष्टि			
4. आईएस:65-1950 रंग-रोगन के लिए बलां भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2, फिल्स की विशिष्टि	दिनांक 26 मार्च 1955 में एस आर ओ 658	आईएस:64-1972 रंग-रोगन के लिए ब्रेक्यम मल्फेट वर्षकों की विशिष्टि (पहला पुनरीक्षण)	दिनांक 26 मार्च 1955 के अन्तर्गत प्रकाशित
5. आईएस:1558-1960 उड़नशील तेल की विशिष्टि	दिनांक 24 सितम्बर 1960 में एस आर ओ 2319	उड़नशील तेल न सो अमी देश में बनते हैं और न उत्पादन ही होता है इसलिए इन मानक को रद्द कर दिया गया है।	दिनांक 16 सितम्बर 1960 के अन्तर्गत प्रकाशित
6. आईएस:1585-1960 मोटर गैसोलिन 79 आंकोटेन की विशिष्टि	दिनांक 10 दिसम्बर 1960 में एस आर ओ 2960	आईएस:2796-1964 मोटर गैसोलिन, 83 आंकोटेन की विशिष्टि के प्रकाशन के बाद इसको रद्द कर दिया गया है।	दिनांक 5 दिसम्बर 1960 के अन्तर्गत प्रकाशित
7. आईएस:1588-1967 याइडक्ट गैसोलिन प्रकार के उड़यन टरबाइन ईंधन की विशिष्टि (पहला पुनरीक्षण)	दिनांक 19 अगस्त 1967 एस आर 2789 दिनांक 1 अगस्त 1967 के अन्तर्गत प्रकाशित।	देश में इस मानक के अनुगार ईंधन के उत्पादन तथा उपयोग न होने के कारण इसको रद्द कर दिया गया है।	भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2,
8. आईएस:3433-1960 ओलजा खनिज तेल की विशिष्टि	दिनांक 30 जुलाई 1966 में एस आर 2246 शिनांक 15 जुलाई 1966 के अन्तर्गत प्रकाशित	देश में आजकल कोलजा खनिज तेल उत्पादन और उपयोग न होने के कारण इस मानक को रद्द कर दिया गया है।	भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2,
9. आईएस:3551-1965 शुद्ध नाइट्रोजन (शुक्र) की विशिष्टि	दिनांक 18 मार्च 1967 एस आर 913 दिनांक 7 मार्च 1967 के अन्तर्गत प्रकाशित	यह मानक आईएस:1747-1972 नाइट्रोजन की विशिष्टि (पहला पुनरीक्षण) के प्रकाशन के बाद रद्द कर दिया गया है।	भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2,

S.O. 3621.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulation, 1955, as amended from time to time, it is, hereby, notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled :

SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	S. O. No. and Date of Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
1	2	3	4
1.	IS : 41—1950 Specification for bone black for paints.	S. R. O. 658, dated 26 March, 1955 published in the Gazette of India, Part II, Section 3, dated 26 March, 1955	IS : 40—1971 Specification for carbon black for paints (<i>First Revision</i>) supersedes these and recommends the use of carbon black conforming to IS : 40—1971 in the paint formulations in place of bone, vegetable and lamp blacks which are neither produced in the country nor consumed by the paint industry.
2.	IS : 42—1950 Specification for vegetable black for paints.	Do.	
3.	IS : 43—1950 Specification for lamp black for paints.		
4.	IS : 65—1950 Specification for blanc fixe for paints.	Do.	Cancelled in view of publication of IS : 64—1972 Specification for barium sulphate pigments for paints (<i>First Revision</i>).
5.	IS : 1558—1960 Specification for Vapourizing oil.	S. O. 2319, dated 16 September 1960 published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated 24 September, 1960.	Cancelled in view of the fact that vapourizing oil is neither indigenously produced nor used in the country at present.
6.	IS : 1585—1960 Specification for motor gasoline, 79 octane.	S. O. 2960, dated 5 December, 1960 published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated 10 December, 1960.	Cancelled in view of publication of IS : 2796-1964 Specification for motor gasoline, 83 octane.
7.	IS : 1588—1967 Specification for aviation turbine fuels, wide cut gasoline type (<i>First Revision</i>).	S. O. 2789, dated 4 August, 1967 published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated 19 August, 1967.	Cancelled in view of the fact that the type of fuel specified in this specification was neither produced nor used in the country.
8.	IS : 3433—1960 Specification for oil, mineral colza.	S. O. 2246, dated 15 July, 1966 published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated 30 July, 1966.	Cancelled in view of the fact that oil, mineral colza is neither indigenously produced nor used in the country, at present.
9.	IS : 3551—1965 Specification for pure nitrogen (dry).	S. O. 913, dated 7 March, 1967 published in the Gazette of India, Part II, Section 3-Sub-section (ii), dated 18 March, 1967.	Cancelled in view of publication of IS : 1747-1972 Specification for nitrogen (<i>First Revision</i>).

[No. CMD/13:7]

का० आ० 3622.—समय-न्तमय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 5 के उपविनियम (1) के प्रनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि जिन भारतीय मानकों के ब्यौरे नीचे प्रनुसूची में दिए हैं, वे रद्द कर दिए गए हैं :

प्रनुसूची

अम रद्द किए गए भारतीय मानकों की संख्या और शीर्षक	जिस राजपत्र में भारतीय मानक के निर्धारण होने की सूचना छपी थी उसकी संख्या और तिथि	विवरण
1. आईएस:2143 1962 ऊपर से खुले दूध के कूलरों की विधिलिट (कलई चड़े तांबे की नलियों वाले)	भारत के राजपत्र भाग II खण्ड 3, उपखण्ड 2, दिनांक 31 दिसम्बर 1962 में एस ओ 3226 देश में कम प्रचलित है और स्वास्थ्य की दृष्टि विनांक 18 अक्टूबर 1962 के अन्तर्गत प्रकाशित से भी अहितकर हैं अतः इस मानक को रद्द कर दिया गया है।	यह पाया गया कि ऊपर से खुले दूध के कूलर
2. आईएस:3719—1966 ऊपर से खुले दूध के भातर के राजपत्र भाग II खण्ड 3, उपखण्ड 2, दिनांक 31 दिसम्बर 1966 में एस ओ 4023 देश में कम प्रचलित है और स्वास्थ्य की दृष्टि विनांक 20 दिसम्बर 1966 के अन्तर्गत प्रकाशित से भी अहितकर हैं अतः इस मानक को रद्द कर दिया गया है।	यह पाया गया है कि ऊपर से खुले दूध के कूलर	

[सं. सी एम डी 13:7]

डी० वास गुप्ता,
उप-महानिवेशक

S.O. 3622.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, it is, hereby, notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled :

SCHEDULE

Sl. No. and Title of the Indian Standards No. Cancelled	S. O. No. and Date of Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
1. IS : 2143—1962 Specification for open surface milk coolers (with tinned copper tubes).	S. O. 3226, dated 18 October, 1962 published in the Gazette of India, Part II, Section 3, sub-section (ii) dated 27 October, 1962.	Cancelled in view of the fact that open surface milk coolers have been found to be unhygienic and unpopular in the country.
2. IS : 3719—1966 Specification for open surface milk coolers (with aluminium tubes).	S. O. 4023, dated 20 December, 1966 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 31 December 1966.	Do.

[No. CMD/13 : 7]

D. DAS GUPTA, Deputy Director General

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 5 दिसम्बर, 1973

का०ग्रा० 3623.—यह: पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2081 तारीख 5-7-73 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राशय घोषित कर दिया था।

श्री यह: सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

श्री आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियन्न किया है।

अब, यह: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त भूक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उप धारा (4) द्वारा प्रदत्त भूक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी वन्धकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बी ई यू से बी ई एच (ए) से जी जी एस संख्या 1 तक लाइन के लिये राज्य: गुजरात ज़िला : केरा तालुका : मातार

गाँव	सर्वेक्षण संख्या	हेक्टर	ए	आर	पी
			ई	आर	ई
1	2	3	4	5	
नवागांव	385	0	14	80	
	408	0	08	66	

[सं० 12016/1/73-लेवर एण्ड सेजिस]

MINISTRY OF PETROLEUM AND CHEMICALS (Department of Petroleum)

New Delhi, the 5th Decemebr, 1973

S.O. 3623.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 2081 dated 5-7-1973 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

For line from BEU to BEH (A) to G.G.S. No. 1

State : Gujarat Dist. : Kaira Taluka : Matar

Village	S. No.	Hectare	Are	P. Are
Nawagam	385	0	14	80
	408	0	08	66
	409	0	01	68
	410	0	03	36
	412	0	10	12
	413/3	0	01	00
	414/2	0	03	14
	401/1 + 2	0	14	52
	642	0	11	12
	645/P	0	03	60
	645/P	0	07	32
	627	0	05	06
	626	0	10	36
	624/1	0	01	24
	625	0	04	80
	622	0	02	52
Khari Canal		0	02	20
Cart Track		0	02	34
706		0	00	20
738		0	09	42
748/1		0	00	70
747/1		0	03	44
748/2		0	00	10

[No. 12016/1/73-L&L]

नई दिल्ली, 13 दिसम्बर, 1973

का. आ. 3624.—यतः पैट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और रसायन मंगालय की अधिसूचना का. आ. सं. 1419 तिथि 3-5-1973 इवारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था,

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है;

और यतः केन्द्रीय सरकार के उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट

भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है,

यतः उक्त अधिनियम की धारा 6 की उपधारा (1) इवारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार इस इवारा धारा 6 की उपधारा (1) के अधीन भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए इस इवारा अर्जित किया जाता है और उस धारा की उपधारा (4) इवारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बायाय भारतीय तेल निगम में, सभी बंधकारों के मूक्त रूप में, इस धोखणा के प्रकाशन की इस तारीख को निहित होगा।

अनुबंधी

राज्य : पश्चिमी बंगाल, जिला वरदान : पुलिस स्टेशन/थाना, वरदान

गाँव	मध्यभाग भूमि (लाठ)	सीमा (झंड)
	संख्या तथा भूमि का	विवरण
नूतनग्राम	1416 (पश्चिम)	0.01
(जे० एल० 12)	1460 (दक्षिण)	0.015
	1467 (मध्य)	0.065
	1475 (उत्तर)	0.09

[संख्या 12017/1/73-लेखर एण्ड लैंडिंग]

New Delhi, the 13th December, 1973

S.O. 3624.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 1419 dated the 3rd May, 1973 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purposes of laying pipelines;

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

State : West Bengal District : Burdwan P.S./Thana Burdwan

Village	Survey Nos. (Plot Nos.) and description of land	Extent (area)	
		in acres	in area
Nutangram J. L. 12	1416 (West)	0.01	0.40
	1460 (South)	0.015	0.60
	1467 (Middle)	0.065	2.63
	1475 (North)	0.09	3.64

[No. IS-12017/1/73-L&L]

का. आ. 3625.—यतः पैद्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैद्रोलियम और रसायन मंत्रालय की अधिसूचना का आ. सं. 638 तिथि 15-2-1973 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

आरे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

आरे यतः केन्द्रीय सरकार के उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय भारतीय तेल निगम में, राखी बंधकां के मुक्त रूप में, इस धोखा के प्रकाशन की इस तारीख को निर्हित होगा।

अनुसूची

पुलिम स्टेणन : धनियाबाली, जिला : हुगली (पश्चिमी बंगाल)

मौज़ा का नाम	प्लाट संख्या	सीमा (क्षेत्र)		भूमि का विवरण
		एकड़ों में, ए हेक्टर	एम,	
1	2	3	4	5
वगनान (जे. एम. 199)	1035	0.65	2.02	मध्य
	1264	0.25	10.11	दक्षिण-पश्चिम

SCHEDULE

Police Station : Dhaniakhali, District : Hooghly (West Bengal)

Name of Mouza	Plot No.	Extent (Area)		Description of land
		In acres	In area	
Bagnan (J. L. 199)		1035	0.05	2.02 Middle
		1264	0.25	10.11 South-West
Purandarpur		1682	0.06	2.48 East
(J. L. 208)		948	0.03	1.21 West
Bajitpur		1093	0.02	0.81 North-East
(J. L. 212)		1587	0.005	0.20 North-East
Chotakhanpur		529	0.09	3.64 West
(J. L. 192)		559	0.06	2.43 East

[No. 12017/1/73-L&L]

B. R. BHALLA, Under Secy.

पुरन्दरपुर (जे. एम. 208)	1682	0.06	2.48	पूर्व
	948	0.03	1.21	पश्चिम
बाजीत पुर (जे. एम. 212)	1093	0.02	0.81	उत्तर-पूर्व
छोटखानपुर	1587	0.005	0.20	उत्तर-पूर्व
(जे. एम. 192)	529	0.09	3.64	पश्चिम
	559	0.06	2.43	पूर्व

[सं. 12017/1/73-लेवर एन्ड लेजिस०]

दी. ० आर० मल्ला, अवर सचिव

S.O. 3625.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 638 dated the 15th February 1973, under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further whereas, the Central Government, has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

**MJNISTRY OF RAILWAYS
(Railway Board)**

New Delhi, the 1st December, 1973

S.O. 3626.—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act 1910 (9 of 1910) the Central Government hereby makes the following further amendment to the Notification of the Government of India (Ministry of Railways) No. 67/Elec/112/1 dated 18-7-67 as amended subsequently vide their Notifications dated 24/31-8-67 and 22-4-72.

Add the following as item 11 to 14 :

11. Chief Electrical Engineer, All electrical works on land for Metropolitan Transport Project, (Railways), Calcutta.
12. Chief Electrical Engineer, All the electrical works on land for use of the Metropolitan Transport Project (Railways), Bombay.
13. Chief Electrical Engineer, Southern Railway, Madras.
14. Chief Electrical Engineer, Northern Railway, New Delhi.

[No. 72/Elec/112/1]

K.R. RAMACHANDRAN, for Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 27 नवम्बर, 1973

का०आ० 3627.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उपधारा (3) के अंडे (छ) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस मंत्रालय की 22 जून 1970 की अधिसूचना सं० 5-2/69-य०डी० का अधिकमण करते हुए, केन्द्रीय सरकार एवं द्वारा निर्माण और आवास मंत्रालय के तंत्रज्ञ मंत्रिव श्री आर० गोपालास्त्रामी को, श्री पी० प्रभाकर राव के स्थान पर, दिल्ली विकास प्राधिकरण के सबस्य के रूप में नियुक्त करती है। यथा भारत सरकार के स्थान्य मंत्रालय की दिनांक 30 दिसम्बर, 1957 की अधिसूचना सं० 12-173/57 एल०एस०ज० में निम्नलिखित अतिरिक्त संशोधन करती है नामांगनः—

उक्त अधिसूचना की मव 9 में प्रविष्ट "श्री प्रभाकर राव" के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:-

"श्री आर० गोपालास्त्रामी"

[सं० क० 11011 (21)/72 य०डी०आई०]

वी० आर० अग्न्यर, अवर सचिव

MINISTRY OF WORKS AND HOUSING

New Delhi, the 27th November, 1973

S.O. 3627.—In exercise of the powers conferred by sub-section (1), read with clause (g) of sub-section (3) of Section 3 of the Delhi Development Act, 1957 (61 of 1957) and in Supersession of this Ministry's notification No. 5-2/69-UD dated the 22nd June, 1970, the Central Government hereby appoints Shri R. Gopalaswamy, Joint Secretary, Ministry of Works and Housing, as a member of the Delhi Development Authority in place of Shri P. Prabhakar Rao and makes the following further amendment in the notification

of the Government of India in the Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely :—

In the said notification, in item 9, for the entry "Shri P. Prabhakar Rao", the following entry shall be substituted, namely :—

"Shri R. Gopalaswamy".

[No. K-11011 (21)/72-UDI]

V. R. IYER, Under Secy.

नई दिल्ली, 15 दिसम्बर, 1973

का०आ० 3628.—सरकारी-नमय (प्राधिकृत अधिभोगियों की वेब्हनी) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व निर्माण, आवास पूर्ति मंत्रालय की अधिसूचना का० आ० सं० 307, तारीख 28 जनवरी, 1959 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के नीचे सारणी में, क्रम सं० 4 और स्तम्भ 1 और 2 में उम्में संशोधित प्रविष्टियों के पश्चात् क्रमशः निम्नलिखित क्रम संख्या और संशोधित प्रविष्टियां अन्त स्थापित की जाएगी, अर्थात्:—

4. क. श्री एम० एल० गुप्ता, दिल्ली संघ राजस्वीत के भीतर केन्द्रीय भवायक विधि सलाहकार, विधि, न्याय और कानूनी कार्य और से पट्टे पर लिया गया या प्रधिप्रहृण किया गया फोनसेका होटल, 1, मानसिंह रोड, नई दिल्ली, नामक परिसर।

[का० सं० 21012(7)/72-प०ल .4]

प्रार० वी० सक्सेना, उप-निवेशक सम्पदा और पदेन अवर सचिव

New Delhi, the 15th December, 1973

S.O. 3628.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Works, Housing Supply S.O. No. 307 dated the 28th January, 1959, namely :—

In the Table below the said notification, after Serial No. 4 and the entries relating thereto in columns 1 and 2, the following Serial number and the connected entries shall respectively, be inserted, namely :—

4-A	Shri M.L. Gupta, Assistant Legal Adviser Ministry of Law, Justice & Company Affairs, New Delhi.	Premises known as Fonseca Hotel, 1, Man Singh Road, New Delhi, belonging to or taken on lease or requisitioned by or on behalf of the Central Government with the Union territory of Delhi.
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[F. No. 21012(7)/72-प०. IV]

R.B. SAXENA,
Deputy Director of Estates and
ex-officio Under Secy.

MINISTRY OF LABOUR

New Delhi, the 17th December, 1973

S.O. 3629.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Khas Kusunda Colliery of Messrs. Khas

Kusunda Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 10th December, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 40 of 1968

Present :

Shri B. S. Tripathi, Presiding Officer.

Parties :

Employers in relation to the management of Khas Kusunda Colliery of M/s. Khas Kusunda Coal Co. (P) Limited, P.O. Kusunda, Dist. Dhanbad,

AND

Their workmen

Appearances :

For Employers—Sarvashri P. K. Bose, Advocate and S. S. Mukherjee, Director of the Company.

For Workmen—Shri P. Burman, Vice-President, Mine Mazdoor Union, P.O. Sijua, Distt. Dhanbad.

Industry : Coal

State : Bihar

Dated, Dhanbad, the 30th November, 1973.

AWARD

The Central Government in the Ministry of Labour and Rehabilitation (Department of Labour & Employment), being of the opinion that an industrial dispute exists between the employers in relation to the management of Khas Kusunda Colliery of M/s. Khas Kusunda Coal Co. (P) Limited, P.O. Kusunda, Distt. Dhanbad and their workmen, referred the dispute under Section 10(1) (d) of the Industrial disputes Act, 1947 to the Central Government Industrial Tribunal, Dhanbad by its order No.2/121/66-LRII dated the 9th of September, 1966 for adjudication in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :—

SCHEDULE

"Whether the workmen, whose names are given in the Annexure below, were refused employment by the management of the Khas Kusunda Colliery of Messrs Khas Kusunda Coal Co. (P) Limited with effect from the 29th June, 1965 and from subsequent dates and if so whether the action of the management amounts to victimization? If so, to what relief are the workmen entitled?

ANNEXURE

Name	Designation	
1	2	
1. Sri Sukan Das	Miner	
2. Bhaglu Das	"	
3. Basudeo Das	"	
4. Munshi Das	"	
5. Jagdish Das	"	
6. Basudeo Das 2	"	
7. Nanhku Rai	"	
8. Gulak Rasul	"	
9. Shiv Narayan Bhuiyan	"	
10. Ramdayal Das	"	
11. Raghu Chamar	"	
12. Panchu Chamar	"	
13. Maheshi Bhuiyan No.1	"	
14. Maheshi „ No.2	"	
15. Budheshwar Ram	"	
16. Juman Mian	"	
17. Jit Gope		Miner
18. Manku Bhar		"
19. Bhuttan Bhar		"
20. Sundar Bhar		"
21. Dasrath Gope		"
22. Bachu Bhar		"
23. Fagu Barhi		"
24. Sahadeo Barhi		"
25. Kailu Barhi		"
26. Nanku Barhi 1		"
27. Nanku Barhi 2		"
28. Bindeshwari Ram		"
29. Bhagan Dusadh		"
30. Faguni Das		"
31. Haru Das		"
32. Garo Bhuiyan		"
33. Saukhi Bhuiyan		"
34. Brahmdeo Bhuiyan		"
35. Ramchandra Kole		"
36. Jagarnath Gope (Ramnath Gope)		"
37. Mangal Kole		"
38. Dinu Kole		"
39. Jitan Kole		"
40. Ram Bhagan Harijan (Subhaga Harijan)		"
41. Ram Lagan Harijan		"
42. Faudari Rabidas (Ambika Rabidas)		"
43. Tileshwar Rabidas		"
44. Jagnandan Rabidas		"
45. Bhim Bhuiyan		"
46. Arjun Bhuiyan		"
47. Jagdish No.1		"
48. Rajo Bhuiyan		"
49. Nandlal Bhuiyan		"
50. Gokul Bhuiyan		"
51. Sukhlal „		"
52. Janki „		"
53. Munshi „		"
54. Harkhu „		"
55. Ramdhani No.3		"
56. Dukhit Bhuiyan		"
57. Subhran „		"
58. Riban „		"
59. Buta „		"
60. Nema Bhuiyan No.1		"
61. Chaman Bhuiyan		"
62. Briksha Bhuiyan		"
63. Fulash Bhuiyan		"
64. Bihar Bhuiyan		"
65. Gulabbia Bhuiyan		"
66. Khedan Bhuiyan No. II		"
67. Kamal Bhuiyan		"
68. Dase (Tejan Bhuiyan)		"
69. Garo Bhuiyan No.2		"
70. Moti Bhuiyan		"
71. Sadu Bhuiyan		"
72. Biran „ No.2		"
73. Biren „		"
74. Kajra Bhuiyan		"
75. Faudi Bhuiyan		"

Name	Designation	Name	Designation
76. Sarju Bhuiyan	Miner	129. Sahadeo Bhuiyan II	Miner
77. Jhari Bhuiyan No.2	"	130. Gobardhan Bhuiyan II	"
78. Gendu Bhuiyan	"	131. Ramdas Bhuiyan	"
79. Bifan Bhuiyan	"	132. Bhuneshwar Bhuiyan II	"
80. Tailu Bhuiyan (Shiba Bhulan)	"	133. Charan Bhuiyan	"
81. Prayag Bhuiyan	"	134. Faguni Bhuiyan	"
82. Budhan Bhuiyan	"	135. Bhiru Bhuiyan	"
83. Deoki Bhuiyan	"	136. Mangra Bhuiyan	"
84. Somar Bhuiyan No.2	"	137. Hiro Bhuiyan II	"
85. Deoki Bhuiyan No.2	"	138. Ramna Bhuiyan II	"
86. Sukar Bhuiyan	"	139. Moti Bhuiyan	"
87. Degan Bhuiyan	"	140. Jago Bhuiyan	"
88. Meghan Bhuiyan No.3	"	141. Lita Bhuiyan	"
89. Sarju Bhuiyan No.2	"	142. Nunu Bhuiyan	"
90. Dukhi Bhuiyan No.2	"	143. Drarika Bhuiyan (Jagdish)	"
91. Shankar Bhuiyan No.2 (Ishra Bhuiyan)	"	144. Rameshwar Mochi	"
92. Shahdeo Bhuiyan	M. Sirdar.	145. Nihuth Gope	"
93. Jhari Bhulan No.1	Miner	146. Dalsingar Koiri	"
94. Meghan Bhuiyan No.2	"	147. Brijnath Koiri	"
95. Dangra Bhuiyan No.1	"	148. Murat Gope	"
96. Khedan Bhulan No.1	"	149. Deonandan Rabidas	"
97. Chakari Bhuiyan	Working M. Sirdar	150. Sechho Koiri	"
98. Desrath Bhuiyan	Miner	151. Mahabir Lohar	"
99. Shyam Lal	"	152. Kharbhar Bhar	"
100. Hujjat Bhuiyan (Sewali Bhuiyan No.1)	"	153. Ramdhani Gope	"
101. Kajru Bhuiyan (Hiraman Bhuiyan)	"	154. Ramlagan Koiri	"
102. Amrit Bhuiyan (Titu Bhuiyan)	"	155. Jogeshwar Bhuiyan	"
103. Dodi Bhuiyan	"	156. Ramdhani Bhuiyan	"
104. Charna Bhulan	"	157. Kartik Kole	"
105. Balki Bhuiyan	"	158. Pairoo Bhuiyan	"
106. Nema Bhuiyan No.2	"	159. Khedan Bhar	"
107. Tejan Mochi (Dwarka Mochi)	"	160. Dukhi Bhuiyan	"
108. Banshi Bhuiyan	"	161. Baldhani Gope	"
109. Tekan Mochi	"	162. Shyam Narayan	"
110. Bani Mochi	"	163. Dasain Gope	"
111. Pato Mochi	"	164. Turi Bhar	"
112. Budhu Mochi	"	165. Jhari Harijan	"
113. Bandi Bhuiyan	"	166. Sukhram Gope	"
114. Nageshar Bhuiyan	"	167. Muklal Harijan	"
115. Niru Bhuiyan	"	168. Budhu Gope	"
116. Pokhar Bhuiyan No.2	"	169. Nankhu Rai	"
117. Jhari Bhuiyan	"	170. Tejo Bhuiyan	"
118. Mohan Bhuiyan	Miner	171. Bideshi Bhuiyan	"
119. Guhi Bhuiyan	"	172. Ramdhani Bhuiyan 2	"
120. Kailash Bhuiyan (Tilak Bhuiyan)	"	173. Banwari Bhuiyan (Baldeo Bhuiyan)	"
121. Bishun Bhuiyan	"	174. Balgobind Bhuiyan	"
122. Sewa Bhuiyan	"	175. Budhu Bhuiyan	"
123. Jogeshwar Bhuiyan	"	176. Hardayal Bhuiyan	Miner
124. Somar Bhuiyan	"	177. Chhathu Bhuiyan	"
125. Bhuneshwar Bhuiyan No. 1	"	178. Haril Bhuiyan (Bhadi Bhuiyan)	"
126. Bhuttoo Bhuiyan	"	179. Prasadi Bhuiyan	"
127. Khushi Bhuiyan	"	180. Nepali Bhuiyan	"
128. Sanichar Bhuiyan	"	181. Mangal Das	"
128A. Bhado	"	182. Munshi Das	"
		183. Kartik Das	"
		184. Roshan Kola	"

Name	Designation	Name	Designation
185. Thakuri Kole	Miner	241. Sarban Bhuiyan	Surface Trammer
186. Ramdhani Bhuiyan	"	242. Ramdhani Bhuiyan	"
187. Ganga Bhuiyan II	"	243. Sukhdeo Mahato	"
188. Jhaman	Mining Sirdar	244. Mahabir Bhuiyan	"
189. Gobind Bhuiyan	Miner	245. Ragho Kahar	"
190. Moti Bhuiyan	"	246. Shama Bhuiyan	"
191. Doman Bhuiyan	"	247. Muneshar Bhuiyan	"
192. Bishun Bhuiyan II	"	248. Chandu Bhuiyan	"
193. Gobardhan Bhuiyan I	"	249. Balgobind Bhuiyan	"
194. Jagdish Bhuiyan	"	250. Dhanu Bhuiyan	"
195. Rewal Bhuiyan	"	251. Mouji Bhuiyan	"
196. Bhikhar Bhuiyan	"	252. Ramnandan Das	"
197. Baiju Bhuiyan	Miner	253. Bairagi Bhuiyan	"
198. Hiro Bhuiya No. 2	"	254. Gurucharan Bhuiyan	"
199. Sitaram Bhuiya	"	255. Bihari Bhuiyan	"
200. Ramkeshwar Bhuiyan	"	256. Babulal Bhuiyan	"
201. Kishan Bhuiyan	"	257. Shamal Das	"
202. Lachhan Bhuiyan	"	258. Jagdish Das	"
203. Panchu Das	"	259. Gopal Bhuiyan	"
204. Sangram Kumhar	"	260. Kashi Bhuiyan II	"
205. Faudar Teli	"	261. Masudan Bhuiyan	"
206. Dokta Bhuiyan	"	262. Punia Bhuiini	Kamin
207. Bishnath Gope	"	263. Jethni Bhuiini	"
208. Prasadi Bhuiyan	U.G. Tram- mer (Hookman)	264. Prayag Bhuiyan I	Surface Trammer
209. Amrit Bhuiyan II	"	265. Tilal Bhuiyan	"
210. Ram Kishan Gope	"	266. Mainwa Kamin	Kamin
211. Budhan Bhuiyan	"	267. Fulia Kamin	"
212. Dhanu Das	"	268. Budhan Bhuiyan	Surface Trammer
213. Janki Bhuiyan	"	269. Prayag Bhuiyan II	"
214. Chhotan Bhuiyan	"	270. Bideshi Bhuiyan	"
215. Bhagan Bhuiyan	"	271. Daro Bhuiyan	"
216. Fagoo Bhuiyan	"	272. Lachho Bhuiyan	"
217. Puna Bhuiyan I	"	273. Bhuneswar Mahato	"
218. Rambriksha Bhuiyan	"	274. Badri Bhuiyan	"
219. Budhu Bhuiyan	"	275. Nagwa Bhuiyan	"
220. Chandeswar Singh	"	276. Gobardhan Bhuiyan	"
221. Sukar Bhuiyan	"	277. Jethan Bhuiyan	"
222. Ramkhelawan Chamar	"	278. Raja Ram Bhuiyan	"
223. Karo Singh	"	279. Babulal Bhuiyan II	"
224. Ramphal Turi	"	280. Nankwa Kamin	Kamin
225. Jaikusun Bhuiyan	"	281. Chhotan Bhuiya (Ch.)	Surface Trammer
226. Baijnath Bhuiyan	"	282. Chandeswar Bhuiya	"
227. Ayub Mian	"	283. Bandhia Bhuiini	Kamin
228. Puna Bhuiyan II	"	284. Tilu Bhuiya	Surface Trammer
229. Bhuneswar Chamar	"	285. Sugia Bhuiini	Kamin
230. Pahlu Turi	"	286. Pabla Bhuiini	"
231. Kali Turi	"	287. Jarwa Bhuiini	"
232. Ramdhani Bhuiyan	"	288. Dhaneshwari	"
233. Durga Bhuiyan	"	289. Jodharam	Bailing Mazdoor
234. Ambika Bhuiyan	"	290. Gayaram	"
235. Banshi Das	"	291. Moti Rewani	Line Mistry
236. Mahadeo Bhuiyan (Ramsch) Bhuiyan.	Surface Trammer	292. Mangal Bhua	Gl. Mazdoor
237. Sukhdeo Bhuiyan	"	293. Jawadali Mian	Fireman
238. Raja Ram	"	294. Jithoo Bhuiyan	Gl. Mazdoor
239. Banshi Bhuiyan	"	295. Hirajnan Kahar	"
240. Charan Bhuiyan	"		

Name	Designation
296. Chhotelal Gope	Garden Mazdoor
297. Ramdhani Nonia	H.E. Khalasi
298. Basir Mian	"
299. Kutub Ali	"
300. Mahabir Chamar	"
301. Doman Mian	"
302. Jabid Ali	"
303. Asraf Mian	Fireman
304. Chaman Rewani	Pump Khalasi
305. Farid Mian	Balling Mazdoor
306. Sahjad Mian	"
307. Karim Mian	"
308. Hari Napit	"
309. Mukunda Das	"
310. Tulsi Rewani	"
311. Nasir Mian	"
312. Baneswar Rewani	Line Mistry
313. Mohan Barman	Line Mazdoor
314. Dasai Mahato	"
315. Shankar Mahato	"
316. Rambilash Nonia	"
317. Jethu Bhuiya	Bailing Mazdoor
318. Anrit Bhuiya	Tractor Kr.

2. The reference was received by the Central Government Industrial Tribunal, Dhanbad on the 21st of September, 1966 and was registered there as reference No. 132 of 1966. After that as per Order No. 8/25/67-LRII dated the 8th of May, 1967 of the Ministry of Labour, Employment and Rehabilitation, it was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad where it was registered as reference No. 169 of 1967 on the 20th May, 1967. The reference was received on transfer in this Tribunal on the 26th August, 1968, vide the Ministry's Order No. 8/71/68-LRII dated the 13th of August, 1968, and was registered here as reference No. 40 of 1968.

3. The concerned workmen in the present dispute are of Khas Kusunda Colliery. They are being represented by Mine Mazdoor Union, P.O. Sijua, Distt. Dhanbad and the industrial dispute was sponsored by the said union. The union filed written statement on the last of November, 1966 and the written statement sent by the employers through post was received on the 22nd of December, 1966. A rejoinder to the written statement of the employers was filed on behalf of the workmen on the 30th of January, 1968. The case made out by the workmen in the written statement is as follows:—

(a) Before December, 1963 there was no Trade Union working at Khas Kusunda Colliery to look after the grievances of the workmen. The management of the Colliery were depriving the workmen of their due wages, bonus and other benefits and the workmen were also being harassed by the management in as much as their attendance was not being marked and at times their thumb marks were being obtained on blank sheets and on some registers showing payment, without making payment to them. The employers could carry on in this manner by intimidating and showing threats of violence to the workmen and this they did with the assistance of one Shri Kameshwar Lall by gracing him with recognition as the leader of a Trade Union. The workmen ultimately combined together and organised a branch of Mine Mazdoor Union at this colliery in December, 1963. The management on the other hand attempted to crush this organization as a result of which there was complete stoppage of work in the colliery on the 13th & 14th of January, 1964. There was however a conciliation proceeding and the dispute was settled on the 15th of January, 1964 with the Union. The management did not implement the terms of the settlement arrived at and to illustrate the same the management again started to create disturbance in the colliery by importing hired gangsters.

Then, again there was stoppage of work in the colliery on the 11th & 12th of February, 1964 followed by a strike notice by the Union on the 24th of February, 1964. In the meantime the management made more than 100 workmen idle and again there was a conciliation proceeding and a settlement was arrived at between the Union and the management on the 7th of March, 1964. On this occasion also the management did not carry out the terms of settlement arrived at and again the workmen resorted to strike on the 6th of July, 1964. On the following day i.e. on the 7th of July, 1964 there was a settlement between the management and the Union. During all this time Shri Kameshwar Lall and his associates continued provocative action to promote violence in the colliery. The management being unsuccessful in their attempt to crush the workmen, who were pressing their demands through the Mine Mazdoor Union, became prepared to remove physically by force the workers out of the colliery and to replace them by casual workmen employed under contract system at much lower rate of wages. With this aim in view the management secured the assistance of the Police and Magistracy and Shri Kameshwar Lall's gang was reinforced.

(b) On the 28th June, 1965 at about midnight the management got the flag of Mine Mazdoor Union destroyed and removed with the help of gangsters and when the workmen saw this in the morning they became agitated. At this time Shri Kameshwar Lall with a large number of gangsters came to the colliery on the 29th June, 1965 in the morning for the purpose of committing riot. They went towards dhawras of the workmen and started assaulting them and their family members indiscriminately. The Police however was inactive and were siding with the management, arrested all available officers of the Union including its General Secretary, making the field open for the gangsters to drive out all the workers and their family members by threats and violence. Before the night set in on the 29th June, 1965 all the members of the Union were driven out of the Colliery, their belongings were looted and the dhawras were completely demolished.

(c) On the 30th June, 1965 the workmen in a body went to the office of the Regional Labour Commissioner (C), Dhanbad and at the intervention of the Conciliation Officer (C), Dhanbad and Regional Labour Commissioner Implementation (C), Dhanbad, the management agreed to allow the workers to resume duty in the colliery. But the management did not allow the workmen to enter into the colliery premises from the 30th June, 1965 and did not allow to resume work in the colliery and severely belaboured those workmen who stealthily entered into the colliery and then bodily removed them from there. Though the appropriate authorities were informed, nothing was done to compel the management to employ these workmen, who were illegally victimized. Within a week from the 29th June, 1965 the employers recruited a large number of new and casual workers under contract system, at much lower rate of wages and thus the management got rid of the permanent workmen who were members of the Union. It is alleged further that the management did not take any disciplinary proceeding against any workman and even if any proceeding was taken up, the workman had no knowledge of it and the disciplinary proceeding, if any, was not according to the standing orders and principles of industrial justice and no facility was given to the workmen to defend themselves in that proceeding. Accordingly it is submitted that all the workmen in question are entitled to be reinstated with full back wages from the 29th June, 1965 till the actual date they are reinstated.

4. The employers in their written statement admit that the Mine Mazdoor Union came into existence in this colliery towards the end of 1963. They however state that they are not aware if the workmen concerned were the members of the said Union. It is alleged that out of 318 workmen mentioned in the schedule of reference, 35 workmen, whose names appear in S. Nos. 3, 7/69, 8, 11, 15, 40, 41, 56, 57, 60, 62, 63, 64, 65, 106, 110, 116, 126, 135, 152, 153, 159, 161, 187, 196, 207, 241, 265, 280, 284, 285, 286, 287, 288 & 296 in the schedule of reference, were not working in the colliery at any time prior to 29th June, 1965, 4 workmen viz. Sl. Nos. 163, 188, 222 & 230 were on leave during the said relevant period and after the expiry of leave they did not report for duty, 19 workmen, whose names appear against Sl. Nos. 17, 19, 20, 24, 25, 26, 27, 34, 134, 210, 231, 236, 246, 247, 252, 257, 258, 298 & 299 in the schedule of reference, were charge-sheeted for their riotous and disorderly behaviour committed on 29th June, 1965 and remaining absent

without permission or authorised leave for more than 10 days and also for leaving the place of work without permission which was followed by a departmental enquiry in which the concerned workmen were found guilty and the management thereafter dismissed them from service by issuing letter of dismissal dated the 2nd September, 1965, Sl. Nos. 121 & 201 of the schedule of reference are still working in the colliery and 43 workmen, whose names appear against Sl. Nos. 47, 57 61, 66, 76, 84, 88, 90, 96, 104, 111, 119, 121, 122, 124, 125, 128, 129, 130, 131, 132, 134, 135, 136, 137/198, 139/70/190, 140, 143, 144, 166, 167, 215, 289, 290, 291, 304, 306, 310, 313, 314, 315, 316 & 317/294 in the schedule of reference worked on some days in the colliery at the relevant time as mentioned in Ext. M-20 and thereafter they left their job without information and remaining absent.

5. The case of the employers further is that a certain number of workmen said to be the followers of Mine Mazdoor Union struck work from the first shift of the 29th June, 1965 and did not allow other workers to join their duties and at about 10 A.M. on the same day a group of followers of the said union and a gang of lathials headed by the officials of the Union raided the dhawras of some of the peaceful workers and assaulted them severely with deadly weapons as they refused to join them. As a result of this 7 workers were hospitalized, their dhawras were broken and their belongings were looted. The incident was immediately reported to the authorities of law and order and as a result of that 29 workmen and some officials of the Union were arrested and criminal cases were instituted against them. The strikers did not report for duty though notices were issued on 30-6-1965, 1-7-1965, 2-7-1965 & 5-7-1965 asking them to come and join. It is said that on account of the strike of the workmen from the 29th June, 1965 an application to declare the same illegal under the Coal Mines Bonus Scheme was filed by the management before the Regional Labour Commissioner (C), Dhanbad. The Union called it an illegal lockout and filed an application to that effect before the Regional Labour Commissioner (C), Dhanbad. The Regional Labour Commissioner by his decision dated the 17th October, 1966 held that there was stoppage of work in the colliery by the workmen from the 29th June, 1965 which amounted to strike. He dismissed the workmen's petition that it was a lockout. The management submit that the workmen mentioned in the schedule of reference were not refused employment and they are not entitled to any relief.

6. The workmen in their rejoinder have denied the statement of the employers in their written statement that 35 persons out of those mentioned in the schedule of reference were not in the service of the colliery. They assert that they were employees of the colliery during the relevant period. As to the allegation of the management that 4 workmen were on leave during the relevant period and did not report for duty after the expiry of leave, the workmen state that these employees had reported for duty but the management did not allow them to join. As to the 19 workmen who according to the case of the management were chargesheeted and after departmental enquiry were dismissed from service, the allegation of the workmen is that no chargesheet was issued to them nor there was any departmental enquiry and that the concerned workmen were not served with dismissal order. It is stated that the misconduct alleged in the chargesheet was not proved. The workmen in their rejoinder have sheet was not proved. The workmen in their rejoinder have men out of the list of workmen mentioned in the schedule of reference are still in the service in the colliery and that 43 workmen out of the list joined their work on some dates but left work out of panic. Regarding the statement of the employers that from first shift of 29-6-65 certain number of workmen, said to be the members of Mine Mazdoor Union, struck work without giving notice and did not allow other peaceful workers to join duties and inspite of notices issued asking these workers to join, the allegations of the workmen is that owing to large scale disturbance in the colliery in the morning of 29-6-65 the first shift on that date did not start at all and from the second shift the management refused the members of the Mine Mazdoor Union from joining duty and there was in fact no work in the colliery on that day as the management was busy in driving the workers from the colliery and their dhawras and in putting new workmen in their place. They have denied the issue of any notice by the management asking them to come and join their duties. Regarding the case of the management as to the decision of Regional Labour Commissioner, Dhanbad on management's application to declare it a case of strike, the case of the work-

men is that the union applied first on 3-7-65 for a declaration that it was a case of lockout and thereafter the management filed an application for a finding that it was a strike, that the decision of the Regional Labour Commissioner was perverse and was challenged in appeal but it could not be heard on merits owing to some technical defect and that the decision of Regional Labour Commissioner has no independent value. The workmen claim that all the concerned workmen are members of Mine Mazdoor Union.

7. In view of the cases of the parties the following points arise for determination :-

- (1) Whether the workmen named against S. Nos. 3, 7/169, 8, 11, 15, 40, 41, 56, 57, 60, 62, 63, 64, 65, 106, 110, 116, 126, 135, 152, 153, 159, 161, 187, 196, 207, 241, 265, 280, 284, 285, 286, 287, 288 & 299 of the schedule of reference were employees in the colliery in question on 29-6-65?
- (2) Whether the workmen, namely, Sl. Nos. 121 & 201 of the schedule of reference have been working all along?
- (3) Whether 4 workmen, namely, Sl. Nos. 163, 188, 222 & 230 out of the schedule of reference were on leave during the relevant period and after the expiry of leave they did not report for duty?
- (4) Whether the workmen, namely Sl. Nos. 47, 57, 61, 66, 76, 84, 88 90, 96, 104, 111, 119, 121, 122, 124, 125, 128 to 132, 134, 135, 136, 137/198, 139/70/190, 140, 143, 144, 166, 167, 215, 289, 290, 291, 304, 306, 310, 313 to 316 & 317/294 of the schedule of reference worked on some days in the colliery during the relevant period and thereafter they left their job without information and since then are absent?
- (5) Whether the workmen, namely, Sl. Nos. 17, 19, 20, 24, 25, 26, 27, 34, 134, 210, 231, 236, 246, 247, 252, 257, 258, 298 and 299 of the schedule of reference were dismissed from service and their dismissal was justified?
- (6) Whether the workmen whose names are given in the annexure to the schedule of reference were refused employment by the management of the Khas Kusunda Colliery of M/s. Khas Kusunda Colliery Co. (P) Ltd., with effect from the 29th June, 1965 and also from the dates subsequent to that date?
- (7) If the answer to point No. 6 be in the affirmative, whether the action of the management amounts to victimization?
- (8) If point Nos. 6 & 7 are answered in favour of the workmen, what relief the workmen are entitled to?

8. The management has examined 3 witnesses and they are MW-1 Shri H. N. Banerjee who has been working as Accounts Clerk in Khas Kusunda Colliery since 1950, MW-2 Shri Ramdas Chatterjee, Attendance Clerk in the said colliery since 1950 and MW-3 Sri K. P. Mazumdar, Manager of that colliery since sometime in 1965. I may mention here that Sri K. P. Mazumdar was the Manager of the colliery when the incident of the present reference had taken place. MW-1 is practically a formal witness. He had conducted departmental enquiry with respect to chargesheets issued to 20 workmen of the colliery in question. He has proved the chargesheets Ext. M-5 series framed against the said workmen, the proceedings of the enquiries relating to those chargesheets Exts. M-6 to M-10 and the enquiry reports Exts. M-11 to M-15 submitted by him to the management after conclusion of the said departmental proceedings. It appears from the record that since notices issued to the workmen intimating the charges against them were returned unserved, the management got a general notice of chargesheets and the dates of enquiry published in the local Hindi weekly Newspaper named 'Awaz'. Ext. M-16 is the publication in question in that paper dated 6-8-65. The document was marked exhibit in the cross-examination of MW-1. MW-2 is practically a formal witness. He is the Attendance Clerk and he has proved the entries in 21 attendance registers relating to the colliery in question which have been exhibited as M-17 series. He has also proved 3 Form 'B' registers maintained in the colliery Exts. M-18 series and one leave register which is Ext. M-19. MW-3, the Manager of the colliery

is a witness of facts and is an important witness for the management.

9. On behalf of the workmen 9 witnesses have been examined, out of which 6 witnesses, namely WW-2, WW-3 and WW-5 to WW-8 are some of the workmen out of the list of workmen in the schedule of reference. Out of the remaining 3 witnesses, WW-1 Sri V. P. Gupta was Regional Labour Commissioner (Implementation), Dhanbad at the relevant time, WW-4 Sri Parameshwar Jha was Vice-President of Mine Mazdoor Union and WW-9 Md. Hussain Khan was the Organizing Secretary of the said union. I may mention here that Mine Mazdoor Union is the union which sponsored the present industrial dispute and is party to the present reference.

10. On behalf of the workmen a large number of documents have been exhibited and they are Exts. W-1 to W-48. Out of them Exts. W-1 to W-24 have been marked on admission and remaining documents have been exhibited on formal proof. The documents on behalf of the management are Exts. M-1 to M-25 and out of them M-1 to M-4 have been exhibited on admission and the rest on formal proof. I shall discuss the documentary and oral evidence adduced by the parties at proper time and place in course of the discussion in the award, if and when the necessity for the same arises.

FINDINGS

11. **Point No. (1).**—According to the case of the management 35 persons out of the workmen named in the schedule of reference were not in the service in Khas Kusunda Colliery either on 29-6-65 or at any time prior to that. Their serial numbers have been given in the written statement. Sl. Nos. 7 & 169 are included in this group of 35 persons. From the schedule of reference it appears that Sl. No. 7 relates to Nanhku Rai, Miner and Sl. No. 169 relates to the same Nanhku Rai and this is why in the written statement of the management the serial relating to Nanhku Rai has been mentioned as 7/169. In the rejoinder to the written statement of the management the only allegation made by the workmen regarding the said 35 persons is that the workmen will prove at the time of hearing that these persons were in fact in the service in the colliery during the relevant period. Ext. 18 series are the Form B registers showing the employees in the employ of Khas Kusunda Colliery from January, 1965. They have been proved by MW-2 and their genuineness or the correctness of the entries made therein have not been challenged in cross-examination. They are statutory registers maintained under Section 48(1) of the Mines Act read with 77 of Mines Rules. There is presumption of correctness of entries made therein. The Form B registers do not show that any one of the 35 workmen, said above, were in the service in the colliery. The workmen have examined WW-2 Sri Biswanath Gope to say that he was working in the colliery on 29th June, 1965 and prior to that as Night Guard. Sl. No. 207 in the schedule of reference relates to one Biswanath Gope and he has been described in the schedule as a miner. WW-2 claims to be the workman described against Sl. No. 207. It is to be noted that Sl. No. 207 is included in the group of 35 workmen under consideration. In the schedule of reference Sl. No. 207 Biswanath Gope has been described as miner and not Night Guard.

12. On behalf of the workmen a certificate Ext. WW-22 granted by Sri M. D. Ghose, the ex-manager of the colliery, dated 12-3-65 has been relied upon to prove that WW-2 Biswanath Gope was previously working as miner and during the relevant time he was working as Night Guard in the colliery. The certificate is to the effect that Biswanath Gope was in the service of the colliery from 1959 for about 5 years at the time of granting the certificate and he was previously working as miner and from 26-1-65 he was working as Night Guard. Sri M. D. Ghose, who is alleged to have granted this certificate, has not been examined. There is no explanation as to why Sri M. D. Ghose has not been examined in this case. WW-2 in cross-examination states that in the year 1964 he was working as miner and in that year he was dismissed from service. He states further that his case of dismissal along with few other cases were referred to conciliation and as a result of the conciliation the others were taken back in employment but not the witness. The witness states that when he was not taken back in employment he withdrew his Provident Fund money which he got in 1968. This is indicative of the fact that this witness was not in the service in the colliery in 1965. Accordingly the statement in the certificate Ext. W-22 that the workman was

continuously working in the colliery from 1959 does not appear to be correct. The statement in the certificate that the witness was working as Night Guard from 25-1-65 is not supported by the entries in the Form B registers Ext. M-18 series or the attendance registers of the workmen Ext. M-17 series. In the cross-examination of Sri H. N. Banerjee (MW-1) the workmen have taken from him that Biswanath Gope was not an employee of the colliery when the occurrence of this case had taken place. The workmen have produced 2 prescriptions Exts. W-25 and W-26 of the Central Hospital, Dhanbad, the former dated 22-4-65 and the latter dated 23-4-65 in which the name of the patient is Biswanath Gope. The said two exhibits are the entries in the outdoor tickets issued to the patient appearing at the outdoor for examination in Central Hospital, Dhanbad. The name Biswanath Gope in the said tickets appears to be in the writing of a person other than the person who wrote out the prescription. The writings in Ext. W-25 at its top are as follows :—

"C/Cutter
Khas Kusunda Coll.
B Form 276
PF D/332913".

At the top of Ext. W-26 the entry is "Khas Kusunda Colliery". These writings on Exts. W-25 and W-26 appear to be in the handwriting of a different man. The writer of the prescriptions, the writer of the name of the patient and the writer of the writings at the top of those prescriptions, quoted above, have not been examined to prove all these writings. In consideration of both oral and documentary evidence, stated above, my conclusion is that WW-2 Biswanath Gope is Biswanath Gope described in Sl. No. 207 of the schedule of reference, that he was previously in service in the colliery in question as miner till sometime in 1964 when he was dismissed from service, that during the relevant time he was not an employee in the colliery recognised by the company and that he was working as Night Guard in an unauthorised manner. Excepting WW-2 no other person of the group of workmen concerned has come to say that he was in service of the company on 29-6-65 or in 1965.

13. In view of the discussion made above I accept the case of the management that the workmen named against the serials, mentioned in point No. (1), out of the schedule of reference, were not employees in the colliery in question on 29-6-65. This point is accordingly answered in the negative.

14. **Point No. (2).**—According to the case of the management Sl. No. 121 Bishun Bhuiyan and Sl. No. 201 Kishun Bhuiyan, out of the schedule of reference, were working in the colliery on 29-6-65 till the date of reference. The workmen in their rejoinder have denied the said allegation of the employers but no specific case has been made out with respect to them. The management have filed 21 attendance registers Ext. M-17 series relating to the workmen of the colliery. It will appear from these registers that the said 2 workmen were all along working during the relevant period i.e. on and from 29-6-65. These attendance registers are maintained under Section 48 of the Mines Act read with Rule 78 of the Mines Rules. They are, therefore, statutory registers and there is presumption of correctness attached to them. On the side of the workmen nobody has been examined to deny the correctness of the entries made in those registers or to say that in fact the concerned workmen mentioned against Sl. No. 121 and 201 of the schedule of reference were not working in the colliery during the relevant period as alleged by the management. It must, accordingly, be held that these 2 workmen were all along in service on and from 29-6-65 till the date of reference. This point is accordingly answered in the affirmative.

15. **Point No. (3).**—The case of the management is that four workmen out of the schedule of reference, namely, Sl. Nos. 163 Dasain Gope, Sl. No. 188 Chaman Bhuiyan, Sl. No. 222 Ramkhelawan Chamar and Sl. No. 230 Pahlu Turi, were on leave on 29-6-65 and for some days thereafter and after the expiry of leave they did not report for duty. In paragraph 4 in the rejoinder to the written statement of the employers the workmen have denied the said allegation of the employers and have submitted that those four workmen reported for duty after the expiry of leave but the management did not allow them to join. The management has filed the Leave Wages Account register during the calendar year, 1965 Ext. M-19, which goes to show that these

four workmen were on leave during the relevant period. This register is also a statutory one and is maintained in Form H under Rule 53 of the Mines Rules read with Section 55 of the Mines Act. The attendance registers, already referred to above, also show that these workmen were absent from duty being on leave during the period mentioned in the register Ext. M-19 and after the expiry of the leave period these workmen did not join their duties and remained absent all along. The genuineness of these registers and the correctness of the entries made therein have not been challenged in the evidence adduced on behalf of the workmen. Again, no workman out of the said four workmen has been examined to say that actually these workmen turned up to duty after the expiry of their leave but they were not allowed to join their duties. There is also no other independent evidence in proof of the said allegation in the rejoinder to the written statement of the employers. In view of the evidence on record, I accept the case of the employers that the said four workmen were on leave during the relevant period i.e. on and from 29-6-65 and they did not come to join their duties after the expiry of the leave. This point is disposed of accordingly.

16. Point No. (4).—In paragraph 11 of the written statement of the employers it is stated that 43 workmen out of the workmen mentioned in the schedule of reference were present on some dates during the relevant period and thereafter they left the colliery and did not turn up again. The employers have given the serial numbers of those workmen appearing in the schedule of reference and also the dates on which they attended their duties during the said period. The workmen in their rejoinder to the written statement of the employers have simply denied in a general manner the statement of the employers. It is to be noted that since there were some clerical mistakes regarding the serial numbers of some of those workmen, the employers filed a petition for amendment giving correct numbers of the workmen of the concerned workmen and also the dates on which they were present on duty in the colliery. This amendment of the written statement of the employers was allowed by the Tribunal as per Order No. 9 dated 17-6-69. The amended statement was not challenged by the workmen nor did they file any rejoinder to the said amendment made by the employers in their written statement. The statement containing the details of the said 43 workmen is Ext. M-20 in this case. The above statement has been proved by MW-2 Sri Ramdas Chatterjee, the Attendance Clerk in Khas Kusunda Colliery during the relevant period. The witness states that 43 workmen worked for a few days only after the disturbance on 29-6-65. The witness states further that he has prepared a list of those 43 workmen showing the days on which they have worked and this list Ext. M-20 has been correctly prepared from the attendance registers Ext. M-17 series. The above statement of MW-2 has not been challenged by the workmen in cross-examination nor any independent evidence has been adduced on behalf of the workmen to show the incorrectness in that statement. I may mention here that some clerical mistake has crept in the deposition of MW-2 in the matter of the number of the exhibit concerned. In the deposition the statement in question has been stated to be Ext. M-21 whereas it should be Ext. M-20 and this is the number which has been put on the document itself and also in the list of exhibited documents. The details given in the statement Ext. M-20 are supported by the entries in the attendance registers Ext. M-17 series. In this connection reference may be made to the statement of Sri K. P. Mazumdar, the then Manager of the colliery (MW-3), who in his evidence has stated that 43 workmen mentioned in para 11 of the amended written statement worked for a few days only and then left the work without information. This refers to the workmen whose serials have been mentioned in Ext. M-20. The above statement of MW-3 has not been challenged in cross-examination and there is also no independent evidence on the side of the workmen to prove otherwise. There is, however, apparent mistake in Ext. M-20 and in the above statement of Employers' witnesses about Sl. No. 135 in the present group of workmen. Sl. No. 135 relates to Bhiru Bhuiyan who according to the case of the employers was not an employee during the relevant time. I have already accepted this case of the employers while discussing point No. 1.

17. It comes to this that 42 workmen out of the present group were on duty on the dates mentioned in Ext. M-20 and they left the work and did not come back to duty again. It is to be noted that in the schedule of reference there is

repetition of the name of the workman Hiro Bhuiyan II, once under Sl. No. 137 and again under serial No. 198. Workman Moti Bhuiyan has been mentioned thrice in the schedule of reference under Sl. Nos. 70, 139 and 190. In Ext. M-20 the employers have mentioned that Sl. No. 317 and Sl. No. 294 relate to one man i.e. Jethu Bhuiyan. In the schedule of reference as against Sl. No. 317 the name of the workman is Jethu Bhuiyan and that of the workman as against Sl. No. 294 is Jithoo Bhuiyan. The statement of the employers as per Ext. M-20 with respect to those two serials has not been challenged by the workmen at any time including the time of argument. Accordingly, I take the statement of the employers in this regard as correct.

18. In Ext. M-20 there is a note "resigned" as against serial Nos. 96, 128, 132 and 304. There is no independent and reliable evidence in support of the above entry in Ext. M-20. The employers have not produced any resignation letter to show that in fact the said 4 workmen had resigned from service. I do not accordingly accept the claim of the employers so far as the alleged resignation of the aforesaid 4 workmen are concerned.

19. In the light of the findings recorded above this point is disposed of.

20. Point No. 5.—According to the case of the employers 19 workmen out of the workmen in the schedule of reference were charge-sheeted for indulging in riotous and disorderly behaviour and for absenting from duty without permission or authorised leave for more than 10 days since 29-6-65, and after departmental enquiry all the 19 workmen were found guilty of the charges and by the order of the management they have been dismissed from service. The Sl. numbers of the said 19 workmen have been mentioned in para 5 of the written statement of the employers as 17, 19, 20, 24, 25, 26, 27, 34, 134, 210, 231, 236, 246, 247, 252, 257, 258, 298 & 299. The case against these 19 workmen, regarding the departmental proceedings against them and ultimately resulting in their dismissal, has been dealt with in paragraphs 5 to 9 of the written statement of the employers. It is to be noted that admittedly no explanation to the charge-sheets issued to these workmen was submitted and the departmental enquiry against them was made ex parte and Enquiring Officer submitted his report to the management saying that the charges had been established on the evidence on record and recommended dismissal of the workmen. It is stated in the written statement of the employers that the charge-sheets sent to the workmen by registered post were received by 4 of the workmen while the same could not be served on others and the contents of the charge-sheets were published in a local newspaper and since the workmen did not submit any explanation to the charge-sheet nor attended the departmental enquiry, the enquiry was held in their absence. The workmen in their rejoinder to the written statement of the employers have stated that since the workmen had no knowledge of the charge-sheets no explanation was offered. It is said that the workmen had not received any notice of enquiry and so the enquiry alleged to have been held in their absence should be ignored and that they had no knowledge of the order of dismissal passed by the management. It is also stated that the misconducts alleged against the said workmen have not been proved.

21. Ext. M-5 series are the copies of charge-sheets issued separately to 19 workmen, Exts. M-6 to M-10 are the enquiry proceedings, Exts. M-11 to M-15 are the enquiry reports of the Enquiry Officer who held the departmental enquiry with respect to the said charge-sheets and Ext. M-24 series are the copies of notices of dismissal said to have been issued to the concerned 19 workmen. Before I proceed further on this point I like to mention here that there has been some clerical mistakes in mentioning the serials of 3 workmen, out of the group of 19 aforesaid workmen, in the written statement of the employers. The mistake is with respect to Sl. Nos. 34, 134 & 236 and they are Brahmdeo Bhuiyan, Faguni Bhuiyan & Mahadeo Bhuiyan respectively. The charge-sheets, the enquiry reports and the notices of dismissal referred to above do not contain the names of these 3 workmen, but in their places we find the names of the workmen against Sl. Nos. 31, 153 & 244 against whom charges were framed, departmental enquiry was held and notices of dismissal are alleged to have been issued. There appears to be no mistake with respect to

the workmen of the other serials mentioned in the written statement.

22. Ext. M-6 is the enquiry proceeding relating to the workmen under Sl. Nos. 24, 25, 26 & 31 and Ext. M-11 is the enquiry report with respect to those workmen. Ext. M-7 relates to the departmental enquiry with respect to the workmen under Sl. Nos. 20, 27 & 246 and Ext. M-12 is the report of the Enquiry Officer regarding those workmen as a result of the enquiry. Ext. M-8 is the enquiry proceeding with respect to the workmen under Sl. Nos. 17, 210, 244 & 299 and also one Ramlagan Gope, not a concerned workman, and Ext. M-13 is the enquiry report of the Enquiry Officer with respect to those workmen. Ext. M-9 is the enquiry proceeding with respect to the workmen under Sl. Nos. 153, 247, 257, 258 & 298 and Ext. M-14 is the enquiry report of the Enquiry Officer with respect to these workmen. Ext. M-10 is the enquiry proceeding relating to the workmen under Sl. Nos. 19, 231 & 251 and Ext. M-15 is the enquiry report submitted by the Enquiry Officer with respect to these workmen to the management. I like to note here that in the enquiry proceedings Exts. M-6 & M-7 the charges against the workmen of those proceedings were three-fold, namely, (1) the said workmen indulged in riotous and disorderly behaviour on 29-6-65, (2) they absented from duty for more than 10 days since 29th June, 1965 and (3) they left the place of work without permission on 29-6-65. Accordingly they were alleged to be guilty of misconduct under paragraph 29 sub-paragraphs (5), (16) & (18) of the Certified Standing Orders of the Company. The remaining workmen were charged for the aforesaid first two items of misconduct. MW-1 Sri H. N. Banerjee had conducted the enquiry proceedings against the aforesaid workmen and he has testified to that effect. He examined witnesses of the management in proof of the charges in the absence of the concerned workmen on different dates. The witness has proved the proceedings of the departmental enquiries held by him and has also proved his reports Ext. M-11 to M-15, already referred to above. The Enquiring Officer found the charges against the workmen to have been proved. According to the management on receipt of the enquiry reports the management accepted the findings arrived at by the Enquiry Officer and dismissed the workmen from service with immediate effect as per notices of dismissal dated 2-9-65 issued by the management. The management have filed the copies of those notices Exts. M-24 series. The notices have been signed by the Director of the Company.

23. I may mention here that the management has not filed the Certified Standing Orders applicable to the Colliery in question. It cannot, therefore, be said with certainty as to whether as per the relevant standing order, referred to in the charge-sheets, the enquiry reports of the Enquiry Officer and the dismissal orders of the management the charges amount to misconduct. In the absence of certified Standing Order the provisions in Model Standing Orders in Schedule I of Industrial Employment Standing Orders Rules, 1946 (C) and the Rules of natural justice will have application. Rule 14(3)(e) & (h) of the Model Standing Orders provides that habitual absence without leave or absence without leave for more than 10 days and riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline amount to misconduct for which a workman may be dismissed from service without notice, if he is found to be guilty of such misconduct. The Model Standing Order, however, does not say that leaving the place of work without permission amounts to misconduct for which a workman may be punished by dismissal from service. Thus the first two charges, if proved, will make the concerned workman liable for punishment by dismissal for misconduct.

24. The next question that arises for consideration is as to whether the departmental proceedings against the concerned workmen were held in accordance with the natural justice. In other words, whether the concerned workmen were given full and sufficient opportunity to show cause against the charges levelled against them and to defend themselves in the departmental proceedings. According to the management the charge-sheets were issued to the concerned workmen in their home address but excepting 4 cases the remaining registered envelopes with acknowledgement due, containing the charge-sheets, returned unserved. The registered envelopes which came back without being served on the addressee have not been exhibited in this

case, though they are on record and the management have not proved by leading evidence that in 4 cases the registered notices were received by the concerned workmen. WW-6 Shamal Das was surface trammer in the colliery at the relevant time. His name appears in Serial No. 257. In his evidence he says that his name is in Sl. No. 99, which is a mistake. Sl. No. 99 relates to Shyamal Bhuiyan miner and not Shamal Das surface trammer who was one of the charge-sheeted workmen. WW-6 admits in his evidence to have received charge-sheet through post. It comes to this, therefore, that the said workmen except Sl. No. 257 had no opportunity to explain the charges levelled against them. When a charge against a workman is brought by the management the natural justice demands that the workman should be given an opportunity to explain the charge before any departmental proceeding is drawn up and enquiry with respect to the charge is conducted. The management has filed a copy of a Hindi weekly "Awaz" dated 6-8-65 containing the publication of a notice purported to have been signed by Sri K. P. Mazumdar, Manager of the colliery in question and it is Ext. M-16 in this case. The notice contains the Hindi translation of the charges framed against the concerned workmen mentioning in details as against each workman what are the charges framed against him and what is the date for hearing of the charges. The notice was given asking the concerned workmen to attend the departmental proceedings against them on the appointed date and time at the colliery office. I may mention here that enquiry proceedings were held by the Enquiry Officer as against the workmen on the dates mentioned in the said notice. Admittedly, at the time of enquiry the concerned workmen were not present and the Enquiry Officer examined witnesses of the management in their absence and submitted his report on the basis of the evidence so recorded. In my opinion, before the notice is published in the newspaper it was necessary that the management should have taken all steps to serve the notice of departmental enquiry upon the workmen in the address known to the management and if the notice could not be served in their known address there could be justification for the management to publish the notice in the newspaper which has wide circulation in the area in which the concerned workman are known to have generally resided. In this case no evidence has been given on the side of the management that notice of departmental enquiry was sent to the concerned workmen by registered post or otherwise and they were returned unserved. In this connection reference may be made to the decision of their Lordships of Supreme Court in the case of Bata Shoe Co. (P) Limited and D. N. Ganguly, reported in 1961(1) L.L.J. 303, in which their Lordships had to consider as to what should be the procedure in a case in which charge-sheet sent to the concerned workmen by registered post in their known address returned unserved. Their Lordships observed that the proper course in such a case will be to publish notices in the names of the workmen in some newspaper in the regional language with wide circulation that charges framed against them. No doubt in Ext. M-16 the charges against the workmen were published but it was not a notice to submit explanation against the charges framed against the workmen but it was a notice of enquiry. Again, there is no evidence whatsoever to show the extent of publication of the newspaper "Awaz" in which the notice was published. The evidence of MW-1, the Enquiry officer, in cross-examination is that the newspaper "Awaz" is a weekly one and he does not know the extent of publication of this paper. The other witnesses examined by the management do not say anything about the extent of the publication of this newspaper. There is also no other documentary evidence in proof of the same. In that view of the matter it cannot be said that the said newspaper has wide circulation and that too in the area in which the concerned workmen were residing during the relevant time so as to draw an inference that the workmen had the knowledge of the date of enquiry of the departmental proceedings through the publication Ext. M-16. Simply because the general notice of enquiry was published in the aforesaid newspaper on 6-8-65 it cannot be held that the concerned workmen will be presumed to have the knowledge of the time and date of the departmental enquiries mentioned in it.

25. In view of what I have discussed above it comes to this that no opportunity was given to the concerned workmen to show cause against the charges levelled against them, except of course Sl. No. 257, and they had no notice regarding the dates of departmental enquiries held against them

and thereby they were deprived of the opportunity to defend themselves in the departmental proceedings. The exparte departmental enquiries held against the workmen were, therefore, not fair and not in accordance with natural justice. In that view of the matter, the enquiry proceedings in question, the enquiry reports submitted by the Enquiry Officer and the orders of dismissal of the workmen must be set aside and I hold accordingly.

26. Of course if no departmental enquiry is held or the enquiry held is defective for some reason or other, the management has got the right to prove the charges against the workmen concerned before the Tribunal with independent evidence. The management in this case has not adduced evidence, independent of the departmental enquiries, in respect of the charges levelled against the concerned workmen. In any view of the case, therefore, the order of dismissal of the concerned workmen must be set aside. Point No. (5) is accordingly disposed of.

27. **Point No. (6).**—The question that arises for determination, according to the reference, is whether the concerned workmen were refused employment by the management.

28. According to the case of the management barring the workmen mentioned in points No. 1 to 5 the remaining workmen out of the workmen mentioned in the schedule of reference struck work with effect from 29-6-65 and they did not join duty though there was an appeal in that regard on behalf of the management. Accordingly, it is submitted, it is not a question of refusal of employment to the workmen by the management. The case of the workmen on the other hand is that the concerned workmen were driven out of their dhawras in the colliery, where they were residing, by the management and when they wanted to join their duty the management did not allow them to join and even did not allow them to enter into the colliery premises by threat of assault. In other words, the workmen were refused employment with effect from 29-6-65 and from dates subsequent thereto.

29. In the schedule of reference the number of workmen mentioned is 318. While dealing point Nos. 1 & 4 I have shown above that there has been repetition of the name of the same workman with respect to three persons in the schedule and in one case out of them the same workman has been named in the list thrice. Accordingly the total number of workmen involved in the present reference comes to 313 and not 318. I have already found above that 35 workmen out of the list were not the employees of the colliery during the relevant time, 4 workmen were on leave during the relevant period and they did not report for duty after the expiry of the leave, 42 workmen worked on some days during the relevant period and thereafter they left the colliery and did not turn up and 2 workmen all along worked and they worked during the relevant period also. The question of refusal of employment to these workmen by the employers therefore does not arise. The total of the workmen under the aforesaid four groups comes to 83. According to the case of the management, already stated above, 19 workmen were dismissed from service after departmental enquiry of the charges against them. The management submits that since these 19 persons were rightly dismissed from service the question of refusal of employment to them also does not arise and after rightful dismissal, the management is not bound to re-employ them and in that case the refusal, any, is justified. Adding these 19 workmen with the aforesaid 83 persons the total comes to 102. According to the case of the management the remaining persons out of the workmen of the schedule of reference, i.e. 211 workmen, struck work. So in their case also the question of refusal of employment to them does not arise. So far as dismissal of 19 workmen is concerned, I have found above that the order of dismissal is bad, being against natural justice and accordingly the order stands set aside. The order of dismissal passed by the management by itself amounts to refusal of employment to them and in that view of the matter the refusal of their employment by the management cannot be held to be justified.

30. Thus, we come to the case of remaining 211 workmen, who according to the management were strikers with effect from 29-6-65, whereas according to the workmen they were not strikers but they were refused employment by the management. In order to prove that it was a case of strike the employers have relied upon the decision of

the Regional Labour Commissioner (C), Dhanbad dated 17-10-66 in a case under Sub-para (1) of para 8 of the Coal Mines Bonus Scheme, 1948 filed by the management of Khas Kusunda Colliery. It appears that the management filed the said application on 16-7-65 before the Regional Labour Commissioner (C), Dhanbad for a declaration that 437 workmen of the colliery struck work from 29-6-65 without giving any notice to the management as required by Law and was therefore illegal under Sections 22 & 24 of the Industrial Disputes Act, 1947. Ext. W-20 is the application in question and Ext. W-31 is the true copy of the list of the 437 workmen who are said to have been involved directly in the strike on and from 29-6-65. The reason for the strike as stated in Ext. W-20 is that some workmen were arrested by the Police.

It is said that all other workmen suspended work thereafter in a concerted move and demanded that they would not go to work till their co-workers were released by the Police. The evidence on record shows that prior to the filing of the application Ext. W-20 dated 16-7-65, the Mine Mazdoor Union on behalf of the workmen had filed an application on 3-7-65 for a declaration that it was a case of lockout. The evidence on record shows that there was some defect in the said application in as much as the required declaration in it was not appended and signed by the applicant. When this was pointed out by the Regional Labour Commissioner the union filed a separate application, with proper declaration duly signed, on 5-8-65 with a prayer to treat that application in continuation of one what was filed by the Union on 3-7-65. Both the applications, namely, the application filed by the management and the application filed by the Mine Mazdoor Union, were taken up and heard together. It appears that in the said proceeding on behalf of the workmen 2 sets of witnesses were examined, one set by Colliery Mazdoor Sangh and the other by Mine Mazdoor Union. Ext. M-1 is the decision of the Regional Labour Commissioner (C), Dhanbad with respect to those applications. The decision discloses that the Colliery Mazdoor Sangh examined witnesses in the strike case filed by the management and the witnesses examined by the Mine Mazdoor Union were the witnesses in the lockout case. The Regional Labour Commissioner gave the following decision in the strike case :

"I, therefore, conclude on the basis of facts of the case that there was a stoppage of work following disturbances at the colliery on 29-6-65.... As a consequence of trouble on 29-6-65, the workmen, may be, did not come to duty but they demanded release of arrested co-workers as a condition precedent to their joining work amounts to absenting from work with common understanding. Hence I have come to the conclusion that there was a strike by the workmen and it was without any notice and was in contravention of Sections 22 & 24 of the Industrial Disputes Act, 1947, as coal was a public utility service and as such it was illegal. I therefore give my decision under para 8(1) of the Coal Mines Bonus Scheme 1948, that aforesaid strike was illegal."

So far as the lockout case is concerned the finding is as follows :—

"So far the case before me is concerned, it is obvious that there was no closing of the place of employment and there was apparently no lockout. But as the application of Mine Mazdoor Union is time barred, and the Mine Mazdoor Union did not produce any law for extention of limitation, I dismiss the petition and make no pronouncement regarding legality or otherwise of the lockout."

The above finding in the lockout case appears to be misleading. However, the Regional Labour Commissioner appears to have dismissed the petition of the union for declaring lockout as barred by limitation. Be that as it may, the fact however remains that the decision of the Regional Labour Commissioner was that it was a case of strike by the workmen on account of the arrest of their co-workers and it was not a case of lockout. It appears that Mine Mazdoor Union filed an Appeal (Bonus Appeal No. 23 of 1966) as against the said decision of the Regional Labour Commissioner before the Central Government Industrial Tribunal, Dhanbad, but the Appeal was dismissed as not maintainable as per Order dated 24-11-67, in as much as a copy

of the Appeal was not simultaneously sent by the appellant to the respondent by registered post with acknowledgement due in compliance with the proviso to sub-paragraph (4) of paragraph 8 of the Coal Mines Bonus Scheme (vide certified copy of order of the Appellate Court Ext. M-2). The Appellate Court has not given any finding on merits of the case.

31. On behalf of the management it is submitted that in view of the finding recorded by the Regional Labour Commissioner it is now not open to the union to urge before this Tribunal that it was not a case of strike and to urge that it is a case of refusal of work to the workmen by the management. The submission on behalf of the workmen on the other hand is that the decision given by the Regional Labour Commissioner does not operate as res judicata in the present proceeding, that the said decision of the Regional Labour Commissioner cannot be considered as a piece of evidence also for holding as to whether it was a case of strike or refusal of employment to the workmen by the management and that this Tribunal has to give its decision independent of the decision of the Regional Labour Commissioner regarding the dispute in question and on points raised by the parties on the evidence adduced before the Tribunal in the reference proceeding. The submission further is that the power given to the Regional Labour Commissioner to decide the matters relating to strike or lockout under Coal Mines Bonus Scheme framed by the Central Government under Section 5 of the Coal Mines Provident Fund & Bonus Scheme Act, 1948 is for speedy determination as to whether some employees, who were absent from duty, are entitled to attendance bonus during the period of alleged strike or lockout and the decision given by the Regional Labour Commissioner in such a case is restricted to that only and it will not have any binding effect on the Tribunal on a reference made by the Central Government under Section 10(1) of the Industrial Disputes Act. In my opinion, the contentions raised on behalf of the workmen are correct and must be upheld.

32. The scope of the operation of an order passed by the Regional Labour Commissioner under Section 8(1) of the Coal Mines Bonus Scheme was considered in detail by their Lordships of Patna High Court in the case of Tata Iron & Steel Company Limited Vs. its workmen, reported in 1967(1) L.L.J. 581. Their Lordships have observed at one place in the judgment as follows:—

"Moreover, the provisions of para 8 of the Scheme make it clear that the decision about the legality or otherwise of a strike or lockout is restricted to a limited purpose, viz., for the purpose of the Scheme, that is to say, for the purpose of considering the eligibility of the workmen to attendance bonus during the days of strike or lockout and for no other purpose."

In the latter part of the judgment the observation is "It is nowhere stated in the Scheme that the decision given by the authority under para 8 of the Scheme shall be deemed to be an award of the Labour Court for the purpose of Industrial Disputes Act. The decision is restricted merely to the question of liability for bonus and for no other purpose". Apparently the decision of the Regional Labour Commissioner in the present case is restricted to the payment or non-payment of bonus only and it is not binding upon the Tribunal for the purpose of making an award in the matter of the reference made to it and on the points raised by the parties in this regard. I accept the contentions on behalf of the workmen, already stated above, and find that the decision of the Regional Labour Commissioner, already stated above, is not binding upon the parties so far as the reference in question is concerned, though it is binding upon them in the matter of payment of attendance bonus under the Coal Mines Provident Fund & Bonus Scheme Act 1948, and the said decision is not binding upon the Tribunal in the matter of making award on reference.

33. As per reference, already stated above, the scope of enquiry in the present proceeding is as to whether the concerned workmen were refused employment by the management of the colliery in question with effect from the 29th June, 1965 and subsequent dates. If the question is answered in the affirmative it has further to be answered as to whether

the action of the management amounts to victimization and then comes the question of relief.

34. From the evidence on record it appears that during the relevant time two Unions, namely, Colliery Mazdoor Sangh and Mine Mazdoor Union were functioning in the colliery. Shri I. H. Khan was the General Secretary, Shri P. Jha was the Vice-President and Shri D. Prasad was the Secretary of Mine Mazdoor Union and Sri Md. Hussain Khan was the Organizing Secretary thereto. Shri Kameshwar Lal alias Kameshwar Narain Singh was representing Colliery Mazdoor Sangh in that colliery. It is the admitted case of both the parties that Mine Mazdoor Union began to function in this colliery in the latter part of 1963. The documentary evidence on record shows that Mine Mazdoor Union began to take up the cause of the workmen of the colliery by raising disputes with the management and by filing applications before the Conciliation Officer (C), Dhanbad, soon after they started their works in this colliery. Shri I. H. Khan, the then General Secretary of the Union, filed 3 applications before the Conciliation Officer in this regard, one on 18-12-1963 (vide copy of the application Ext. W-34), again on 2-1-1964 (vide copy thereof Ext. W-35) and then on 9-1-1964 (vide copy thereof Ext. W-36). The disputes so raised were settled with the management on the intervention of the Conciliation Officer as per memorandum of settlement Ext. W-8 dated 15-1-1964. The disputes related to alleged unfair suspension of workmen, alleged non-payment of minimum wages to the workmen as per award and alleged non-payment of retrenchment compensation to the retrenched workers. It appears that there was stoppage of work on 13-1-1964 and 14-1-1964 by the workmen and the settlement was arrived at on 15-1-1964. In the month of February, 1964 the said union raised another dispute regarding the appointment of two persons, who were in Police lock up, as the management was going to take them in employment as coal cutters after they came out from jail custody and the trammers stopped work in the colliery. The dispute was, however, settled in the conciliation proceeding as per memorandum of settlement Ext. W-9 dated 13-2-1964. There was then another settlement between the management and the Mine Mazdoor Union on 7-3-1964 with the intervention of the Conciliation Officer, vide Ext. W-10 dated 7-3-1964. In this case the union had given strike notice on 7 demands of the workmen, as the management had removed some workmen from service in the colliery. The evidence on record is that with the introduction of tractor for surface trammimg in the colliery the management terminated the services of 34 workmen with effect from 6-7-1964. The workmen then stopped work in a body from 6-7-1964 which resulted with a settlement in the conciliation proceeding (vide memorandum of settlement Ext. W-11 dated 7-7-1964). The order of termination of 34 workmen was withdrawn by that settlement and it was settled that 17 juniormost workmen out of them would be offered alternative jobs. There was another agreement between the Mine Mazdoor Union and the management before the Conciliation Officer with respect to certain demands made by the union as per their letter dated 30-6-1964 to the Conciliation Officer (vide agreement Ext. W-23 dated 16-7-1964). By this agreement it was decided that the demands raised by the workmen would be discussed mutually and settled and the workmen would not resort to any direct action. At this place I like to refer to 2 letters of the management to Shri I. H. Khan, one dated 11-11-1964 (Ext. W-24) and the other dated 12-5-1965 (Ext. W-12). Both the letters were written by the Manager of the colliery and they are to the effect that on getting report that Shri Kameshwar Singh, the representative of Colliery Mazdoor Sangh in the colliery in question, was going to hold meeting in the colliery premises all the workers had stopped work in the colliery in protest. The Manager accordingly requested the General Secretary of the Mine Mazdoor Union to advise the workers to resume work.

35. From the documents aforesaid, it is apparent that within a short period of the Mine Mazdoor Union functioning at the colliery, the majority of the workmen of Khas Kusunda Colliery became followers of Mine Mazdoor Union and the Office bearers of that union got influence over the workmen, by putting forth the demands of the workmen before the management and in securing the benefits for them. All these also show that Shri Kameshwar Narain Singh, the representative of Colliery Mazdoor Sangh, was losing ground in the colliery and influence over the workmen gradually. This is the background of the trouble which started on

29-6-1965 with which we are concerned in the present proceeding. At this place I like to mention certain documents which will give a glimpse of the relationship existing between the workmen, who are followers of Mine Mazdoor Union, the management and Shri Kameshwar Lal alias Kameshwar Narain Singh, the representative of Colliery Mazdoor Sangh at the colliery. It appears that on 14-8-1964 Shri D. Prasad, Secretary of Mine Mazdoor Union sent a report to the Officer Incharge of Kendwadih Police Station (copy marked Ext. W-40) alleging that Shri Kameshwar Lal had sent some lathials and the workers in the colliery were very much worried on account of that. On 17-8-1964 the Organizing Secretary Shri Md. Hussain Khan informed the Officer Incharge of the said Police Station (vide Ext. W-39) that Shri Kameshwar Singh wanted to do marpit with the peaceful workers with the help of goondas. On 18-8-1965 Shri D. Prasad sent a report in writing to the said Police Station alleging that one Satram, coal cutter, was giving loan to the other workers with exorbitant rate of interest and in case of non-payment of interest at that rate he used to assault the workmen (vide Ext. W-41). On 23-6-1965 Sri D. Prasad wrote to the S. I. (vide Ext. W-24) that 6 persons, namely, Budhan Bhar, Ramdeo Gope, Paras Singh, Satram Bhar, Bola Dhabi and another were creating mischief among the workmen, who are the followers of Mine Mazdoor Union. On 24-6-1965 Sri D. Prasad wrote another letter to the S. I. of Police (vide Ext. W-43) that the persons named above were reported to have threatened to assault one workman, namely, Bhutan Bhar, and to loot his house. Apart from the question as to whether the reports of Mine Mazdoor Union were correct or not, but the documents referred to above clearly indicate that the relationship between Mine Mazdoor Union on one side and the management of Khas Kusunda Colliery and Shri Kameshwar Singh and his followers on the other was not a cordial one. On the contrary, it was antagonistic. This circumstance is a double edged weapon and it is equally available to each of the contesting parties to use it to its own advantage. In my opinion, this circumstance cannot successfully be used by any of the contesting parties to prove the correctness of the allegation made with respect to subsequent events, which has to be proved by cogent and satisfactory evidence independent of the same.

36. We now come to the crucial date i.e. 29-6-1965 on which date the occurrence of this case had taken place. Before I proceed further I like to mention at the outset certain outstanding facts which appear from the cases of the parties and the evidence adduced by them. They are as follows. There was a wide scale disturbance in the colliery on 29-6-1965 caused by and at the instance of the workers thereof, that the disturbance started from the first shift in the colliery which commences from 8 A.M., that on account of the disturbance there was complete stoppage of work by all the workers of the colliery on 29-6-1965 from the first shift, that on getting information about the disturbance the Police arrived at the spot at about 10-30 A.M. on that date, registered some cases against some workmen, who are followers of Mine Mazdoor Union, and also some Office bearers of that union and the Police, in connection with those cases, arrested about 29 workmen besides Shri I. H. Khan, General Secretary, Shri P. Jha, Vice-President and Shri Md. Hussain Khan the Organizing Secretary of Mine Mazdoor Union, that for maintaining law and order some Policemen were posted in the colliery premises and some Magistrate also used to visit the place from time to time and that the concerned workmen, who were followers of Mine Mazdoor Union, continued suspension of work in the colliery. It also appears from the evidence on record that from about the middle of July, 1965 some new workmen were appointed by the management and since thereafter the normal work in the colliery started. According to the case of the workmen the immediate motive for the occurrence was the destruction of the flag of Mine Mazdoor Union, which was flying at Nigm-dhawrah of the colliery, by persons who were against Mine Mazdoor Union. This is alleged to have taken place in the night previous to the date of occurrence. In this connection reference may be made to the statement of WW-2 Biswanath Gore, who claims to have seen the flag to have been destroyed by the supporters of the management. He reported the matter in that night to Shri H. N. Banerjee (MW-1). MW-1 also corroborates WW-2 that he and others reported the fact to him and he then gave to them a note in writing Ext. W-21 addressed to Shri

I. H. Khan, the leader of the union, saying that the workmen were agitated on account of disrespect shown to their union flag and so he should take action for proper redress of the grievance of the workmen. This note is dated 28-6-1965 and time noted is 12-10 A.M. At this place reference may be made also to the statement of Shri P. Jha, the Vice-President of the Union (WW-4). The witness states that on 28-6-1965 in the night he was informed by some workmen that the flag of the union had been torn. He then asked the workmen that he would be coming there and on 29-6-1965 at 7 A.M. he went to the spot, saw the flag to have been torn and the workmen were in agitated mood. He also sent information to the Police in writing about the incident that had taken place in the previous night (vide report Ext. W-30). The report appears to have been received at the Police Station at about 7-30 A.M. on 29-6-1965. In view of the evidence on record I have no manner of doubt to hold that the flag of Mine Mazdoor Union at Nigm-dhawrah in the colliery was destroyed by some persons who were against Mine Mazdoor Union and on account of that the workmen, who were followers of the union, were agitated. This is the immediate cause for the disturbance in the colliery which took place on 29-6-1965. I may mention here that though the management admits that there was a disturbance, the management does not, however, give any immediate motive for the said disturbance. It appears, however, that the manager of the colliery had sent a report to the Officer Incharge of Kendwadih Police Station on 29-6-1965 (vide Ext. M-23) that some outsiders accompanied by certain section of workers of the colliery under the leaders of Mine Mazdoor Union had raided the dhawras of peaceful workers and assaulted some of them. Request was made for taking immediate step for restoration of peace. From the evidence of MW-3, the manager of the colliery, it appears the S. I. came thereafter at about 10-30 A.M. and arrested some workmen and some Office bearers of Mine Mazdoor Union. From the certified copy of chargesheet Ext. M-4 dated 4-9-1965 it appears that on getting information about breach of peace at 10-10 A.M. the Officer Incharge of the Police Station rushed to the spot and on the Fardbeyan of Sri Paras Singh F. I. R. No. 14 dated 29-6-1965 was drawn up against Sri Imamul Hai Khan and others. After completing investigation the Police submitted chargesheet under Sections 147, 148, 149 & 380 of I.P.C. against 27 persons showing 12 persons as absconders and 15 persons including Sri Imamul Hai Khan, Shri P. Jha and Sri Md. Hussain Khan, the Office bearers of Mine Mazdoor Union, as under custody. The place of occurrence is stated to be Nigm-dhawrah.

37. According to the case of the union Shri Kameshwar Lal alias Kameshwar Narain Singh came with a number of gangsters to the colliery in the morning of 29-6-1965 for the purpose of committing riot, they went towards the dhawras of the workmen and started assaulting them and their family members, in the meantime Police arrived and arrested some workmen, who are followers of Mine Mazdoor Union, and also available Officers of the union, thus the gangsters drove away all the workers and their family members from their dhawras by threats and violence and before the night set in on 29-6-1965 all the members of the union were driven out of the colliery. The workmen stated that on 30-6-1965 they in a body went to the office of Regional Labour Commissioner (C), Dhanbad and with the intervention of Regional Labour Commissioner, Implementation (C), Dhanbad and Conciliation Officer (C), the management agreed to allow the workers to join duty but they did not allow the workmen to enter into the colliery premises and severely assaulted those who entered into the colliery premises stealthily and bodily removed them. According to the management the workmen were never prevented from joining the duty in the colliery that they struck work from the first shift of 29-6-1965 and at about 10 A.M. on 29-6-1965 the followers of the Mine Mazdoor Union led by the union officers assaulted the peaceful workers of the colliery and thus there was complete stoppage of work in the colliery on 29-6-1965. It is stated that on 30-6-1965 no one out of the concerned workmen came to join duty and no one out of them was prevented to join.

38. At this place I like to mention in short the oral evidence adduced by the parties and relevant to the reference in question. On the side of the workmen 9 witnesses have been examined and out of them 6 witnesses, namely, WW-2, WW-3 and WW-5 to WW-8, are some of the workmen mentioned in the schedule of reference. WW-1 is Shri

Gupta who was Regional Labour Commissioner, Implementation, Dhanbad in the year 1965 and during the relevant time. WW-4 is Shri P. Jha, the then Vice-President of the Mine Mazdoor Union, and WW-9 is Shri Md. Hussain Khan, Organising Secretary of that union. The evidence of Shri P. Jha is that on 29-6-1965 at 7 A.M. he came to the colliery and saw the workmen in agitated mood and saw the flag of the union to have been torn. The witness states that the men of the management wanted to assault him when the workmen of his party came to his rescue and in the meantime there was assault between the workmen of his party and the men of the management. The Police in the meantime arrived and arrested him and he remained in jail for 15 or 16 days when he was released. WW-4 further states that the work could not be done in the morning shift on 29-6-1965 as the lathials of the management drove out the workmen who had gone to work on his persuasion. From his statement in cross-examination it appears that the Police came to the spot at 10.30 A.M. when assault was going on and he was the first man to be arrested by the Police and after he was released from jail he did not go to the colliery again. He is thus not a witness of the incident that might have taken place after he was arrested on 29-6-1965 at about 10.30 A.M. WW-9 Sri Md. Hussain Khan does not claim to be eye witness to the occurrence. The witness, however, states that on 29-6-1965 he was arrested by the Police at his quarter and after his release on bail, about a month thereafter, he did not go to the colliery. Thus the evidence of WW-4 & WW-9, the Office bearers of the Union, is not helpful at all to prove the allegation of the workmen that they were assaulted and driven out from the colliery premises by the men of the management by the evening of 29-6-1965 and they were also not allowed to join on 30-6-1965. The workmen have not examined the Regional Labour Commissioner (C), Dhanbad or the Conciliation Officer in proof of the fact that they actually approached them on 30-6-1965 complaining refusal of employment to them. They have however examined Shri V. P. Gupta, Regional Labour Commissioner, Implementation (WW-1) but his evidence is not at all helpful to the workmen. According to the workmen it was at the instance of this Officer and he Conciliation Officer that the management in their presence agreed to allow the workmen to work. Shri Gupta does not say a single word about this fact, though he is said to have taken a prominent part in this matter. This goes against the alleged case made out by the workmen.

39. According to WW-2 Shri Biswanath Gope, in the morning of 29-6-1965 he was proceeding to Incline No. 9 when he was surrounded by the men of the management and there was stone throwing on both the sides and half an hour thereafter the police came and arrested some workmen. The marpit is said to have taken place at about 8 A.M. The witness states that in the second shift and in third shift on 29-6-1965 the workmen of the management were prevented from joining the work. The witness states further that the concerned workmen of this case remained in their respective dhawras for 4 or 5 days and thereafter they were turned out. All this is against the case made out by the workmen. The witness does not say that Shri Kameshwar Singh came with gangsters and raided the dhawras of the workmen, though this is the specific case made out by the workmen in their written statement.

40. The evidence of WW-3 is that on 29-6-1965 his duty was in first shift and while he was on duty he heard hallah. He came to the spot and saw the workmen being charged with lathis by the lathials of the management and the workmen were brick batting them. After that he came to his job but the work of the entire shift was stopped on account of the disturbance. The witness says that he joined work again in the morning of 30-6-1965 but was assaulted. The witness states that he shifted to Matkuria Tand for fear of Police and goondas of management. Thus he was not driven out of the dhawrah, but he left out of his own accord. He admits that at present he has been working in another colliery named Chansadhih colliery. He also admits that he did not make any complain before the Regional Labour Commissioner or before any authority when he was not given work.

41. The evidence of WW-5 is that on the previous day he was in night shift and he came from the underground at about 7-30 A.M. and was taking bath in the tank when he heard hallah. He came there and saw the men of the mana-

gement assaulting the men of the union and vice-versa. Then he came to his dhawrah and learnt that Police had arrived and some Office bearers of the union and some labourers had been arrested. The witness states that he does not know what happened thereafter and when he went to duty in the third shift he found that the attendance cabin was closed. On the following morning i.e. on 30-6-65 he went to the Manager and told his grievance whereupon manager asked him to leave the union of Shri I. H. Khan. On the third day, the witness states i.e. on 1-7-65 he along with 200 to 300 workmen came to Labour Office at Dhanbad where the Manager and the Owner also were present and there the Manager and the Owner of the colliery said that they would employ them. On that day in the night at about 11 P.M. lathials of the management, the Police and Shri Kameshwar Lal came and asked to vacate the quarter and when he declined he was assaulted and arrested by the Police. He says that he was released on bail about three months after but he was not allowed to go to his quarter.

42. WW-6 states that at the time of marpit he was at his dhawrah and he is not the eye witness to the occurrence. On that day his duty was in the second shift starting from 4 P.M. and when he went there Ram Babu, the Attendance Clerk, did not take his attendance. He says that at 6 P.M. Police came and assaulted him and he vacated the quarter. His evidence in cross-examination is that he learnt about the occurrence when he went to join his duty. Ram Babu MW-2 has denied in his evidence that the workmen reported for duty on 29-6-65 and he refused to record their attendance. WW-7 states that on 29-6-65 and in that week his duty was in third shift, he came out of the mine at 10 A.M. on that day and slept. He knew nothing about the occurrence. He went to duty on 29-6-65 at 12 P.M. and found the attendance cabin closed. The witness states that on 30-6-65 he went to the Manager and complained and the manager asked him to become member of Kameshwar Babu's union. On 30-6-65 again he went to duty at midnight and the attendance cabin was found closed for which, the witness states, he complained to the manager and received the same answer. The witness states that he remained in his dhawrah for 3 days and thereafter he was assaulted and his belongings were looted. He admits in cross-examination that he did not report to Police or to any authority regarding the assault on him or work not being given to him. WW-8 also does not claim to have seen the occurrence on 29-6-65. The witness states that his duty was in the second shift and when he went to duty at 4 P.M. the Attendance Clerk Ram Babu (MW-2) asked him to put thumb mark on a blank paper but he refused. The witness states that on the following day he was driven out of the quarter by lathials.

43. From the evidence of the workmen, said above, it will appear that each one of them has got a different story to tell, not in consonance with the case made out in the written statement of the workmen. The evidence given by them is not corroborated by any reliable evidence on record. At this place I like to mention 2 documents Exts. W-30 and W-44. I have already referred to Ext. W-30 which is the report to the Police given by WW-4 on 29-6-65. The evidence of WW-4 is that on his persuasion the workmen had gone to duty in the first shift of 29-6-65 but the men of the management did not allow them to join. This fact does not find place in the said report to the Police. W-44 is the letter dated 30-6-65 from Shri D. Prasad, Secretary of Mine Mazdoor Union, to the Ministry of Labour, Government of India in which complaint was made to the Ministry with respect to the uprooting of the flag of the union on 28-6-65 and what happened on 29-6-65. It does not contain complaint regarding the alleged refusal of employment to the workmen by the management either on 29-6-65 or on 30-6-65, nor does it contain any complaint that the workmen were assaulted and removed from dhawras either on 29-6-65 or on the following day when the said letter was sent to the Ministry. It is also not stated therein that their attendance was not marked and the attendance cabin was closed or that the manager or any officer was asking the workmen to leave the union of Shri I. H. Khan. Out of the 6 workmen examined in this case only four, namely WW-3, WW-5, WW-7 & WW-8, are among the group of 211 workmen under consideration. There is no explanation as to why others are not coming to support the case of the union in this regard. Again, each of these four workmen have got his own story to tell, inconsistent with the case made out in the written state-

ment of the workmen. There is no complaint informing the Police or Labour Department or any authority by the concerned workmen or by the Union, which was all along so vigilant in taking up the cause of the aggrieved workmen, that they were driven away from the colliery dhawras by the men of the management and they were not allowed to join duty either on 29-6-65 or on 30-6-65. It appears that by letter Ext. W-45 dated 1-7-65 Shri D. Prashad, Secretary of the union informed the Regional Labour Commissioner, Dhanbad that he had got reports to the effect that the management had been forcing the workmen, who were going to join work, to give thumb impression on plain papers. This was for the first time that a written complaint of this nature was made. Shri D. Prashad, Secretary, has not been examined in support of this allegation and the letter Ext. W145 does not show from whom he got such reports. Apart from it, even in this letter, which is dated 1-7-65, there is no allegation that the workmen were assaulted and were not allowed to join their work and those who stealthily went to join work were bodily removed. It appears that on 2-7-65 Shri D. Prashad, Secretary sent a report to the Sub-Divisional Officer, Dhanbad alleging, inter alia, that the Secretary had got report to the effect that when on 1-7-65 the workmen were going to attend their duties, they were assaulted and removed from the colliery. It was for the first time that by this document dated 2-7-65 the union made grievance by making a general complaint to the Sub-Divisional Officer, that the workmen were being forcibly removed by the lathials of the management. As pointed out above, Shri D. Prasad has not been examined to say what was the source of his information. The report to the S.D.O. also does not show the names of the persons who were the alleged assailants of the workmen. The report does not contain the names of the workmen who were assaulted and who were forcibly removed from the colliery. It appears from the letter Ext. W-46 dated 3-7-65 that the union for the first time made out a case of lockout with effect from 29-6-65 before the Regional Labour Commissioner (C), Dhanbad and for a declaration that the lockout was illegal. The allegation was that the workers were willing to resume duties and when they approached the management for work they were assaulted, humiliated, molested and refused work. As pointed out above, no such case was made out earlier and no reason has been given as to why no such case was made out in earlier complaints, though the fact alleged in Ext. W-46 related to the period when those complaints were made.

44. I have already said above that the management has examined only 3 witnesses, out of whom MW-1 Shri H. N. Banerjee is practically a formal witness. MW-2, the Attendance Clerk, is also a formal witness. He has also stated that neither on 29-6-65 nor on any subsequent date the concerned workmen wanted to join duty. Nothing has appeared in his cross-examination to disbelieve his testimony. MW-3 is the Manager of the Colliery Shri K. P. Mazumdar. He has stated that no workman was prevented from work with effect from 29-6-65 or on any subsequent date. He was not present at the time of occurrence, i.e., the marpit which took place on 29-6-65, and his statement about the disturbance is based on information received by him from others. He, however, states in cross-examination that after the disturbance Police was posted from 29-6-65 at the colliery and a Magistrate used to visit occasionally. On behalf of the workmen the above statement of MW-3 has not been challenged. There is no evidence to prove that any workman or the union, on behalf of the workmen, made complaint before Police, who were posted at the colliery from 29-6-65 or before the Magistrate, who used to visit the colliery for maintaining law and order, that the workmen were being prevented from joining the colliery by assault or threat of assault or that they were being removed by the men of the management forcibly from the colliery. I have already shown above that on the F.I.R. lodged before the Officer Incharge of Kendwadih Police Station at the spot, a case was instituted against some office bearers of Mine Mazdoor Union and some workmen, who were followers of that union, and the Police after investigation submitted chargesheet against 27 persons out of whom 12 accused persons were absconders and 15 accused, including Shri I. H. Khan, General Secretary, Shri P. Jha, Vice-President and Shri Md. Hussain Khan, Organizing Secretary, were in custody and they were charged for committing offences under Sections 147, 148, 149 & 380 of I.P.C. on 29-6-65 at about 10 A.M. at Nim-dhawrah in the premises of the colliery

in question. Though there was allegation of assault on the workmen of Mine Mazdoor Union and the loot of their properties, there is nothing to show that any F.I.R. was lodged before the Police or any complaint case was filed before the Sub-Divisional Magistrate in this regard. Shri V. P. Gupta, Regional Labour Commissioner, Implementation, Dhanbad does not support the case of the workmen that the workmen approached him and at his instance the management agreed to give employment to the workmen but the management refused to employ them when the workmen went to join their duty. It appears that management gave notices on 30-6-65, 1-7-65 & 5-7-65 (vide Exts. M-21 series) asking the workmen, who had gone on illegal strike from the first shift of 29-6-65, to report for duty. In the notice dated 2-7-65 the workmen were warned that if they would not join within 24 hours, suitable action would be taken against them. The notice dated 5-7-65 was a general notice to the workers that if the workers would not join by 8-7-65 the management would take disciplinary action against them. These notices have been proved by the Manager of the colliery (MW-3). There is nothing on record to disbelieve his testimony in this regard. These notices of the management are indicative of the fact that the management were not against the workmen joining their duties, rather the management was anxious to see that the workmen resumed their works.

45. In consideration of the evidence and circumstances on record, already discussed above, I find that the workmen have hopelessly failed to establish that the group of 211 workmen under consideration were refused employment by the management of Khas Kusunda Colliery on and from 29-6-65 or any subsequent date. The fact however remains that the concerned workmen stopped work with effect from 29-6-65. It is evident, in view of the evidence and circumstances on record, that owing to the disturbance in the colliery on 29-6-65 (there was spontaneous stoppage of work by all the workmen of the colliery on that day, but the work in the colliery continued from 30-6-65 with a very small number of workmen. So far as the workmen of the group under consideration are concerned, it appears that their continuance of suspension of work was due to the combination of several factors including the factum of destruction of their flag in the night of 28-6-65, the arrest of the workmen, who were members of Mine Mazdoor Union, and of the union leaders by the Police, the fear of the workmen that they might be arrested by the Police, if they go to the colliery, in as much as a case against the workmen of Mine Mazdoor Union was pending investigation before the Police and the Policemen were posted in the colliery premises from 29-6-65 for maintenance of law and order, and the improper handling of labour situation by the union in the absence of the General Secretary and the Vice-President, who were already in custody.

46. I find that barring 19 workmen, whose dismissal has been found to be unjustified while disposing point No. (1), the remaining workmen, whose names are given in the annexure to the schedule of reference, were not refused employment by the management of Khas Kusunda Colliery of M/s. Khas Kusunda Colliery Co. (P) Limited with effect from the 29th June, 1965 and also from the dates subsequent to that. I have already found above that the dismissal of the aforesaid 19 workmen from service amounts to refusal of employment to them with effect from the date of their dismissal i.e. from 2-9-65. This point is thus disposed of

47. The first part of the reference is answered accordingly.

48. Point No. 7—According to the reference, if it be found that there was refusal of employment to the workmen of the schedule of reference it has next to be decided whether the action of the management amounted to victimization. So far as 19 workmen are concerned, whose dismissal from service by the management has been found to be unjustified for the reason that the departmental enquiry against them was held without giving opportunity to them to explain the charges and to defend themselves in the departmental enquiries, in my opinion, the dismissal of these workmen under the above circumstance by itself amounts to victimization. Regarding remaining workmen the first part of the reference has been answered in the negative and as such the question of their victimization does not arise. In the light of the above finding this point disposed of.

49. Point No. 8—The next question that arises for consideration is what relief the workmen are entitled to in the light of the award with respect to the first two items of reference. So far as the 19 workmen, whose dismissal has been found to be unjustified, are concerned, namely, the workmen of Sl. Nos. 17, 19, 20, 24, 25, 26, 27, 31, 153, 210, 231, 244, 246, 247, 252, 257, 258, 298 & 299 of the schedule of reference, they are entitled to be reinstated to the posts which they were holding at the time when they were dismissed from service, with continuity of service and with back wages from the date of their dismissal i.e. 2-9-65. The said workmen were dismissed from service more than eight years ago and the concerned workmen are not examined to say that they are out of employment all this period. There is also no reliable evidence on record to hold that these workmen are not in employment from the time of their dismissal from service. Considering all aspects of the case my decision is that these 19 workmen will get half the wages from 3-9-65. So far as the question as to the date of their reinstatement is concerned, I find that these workmen should report for duty within 40 days from the date of publication of the award and the management in that case will reinstate them to their posts. If the workmen do not report for duty within the said time, the management will not be bound to reinstate them. The concerned workmen will get half the wages upto the date of the publication of the award and also upto the date of their reinstatement from the date of publication.

50. So far as the remaining workmen are concerned, they are not entitled to any relief in view of the findings already recorded above. On behalf of the workmen it is submitted that these workmen also are entitled to be reinstated in as much as there is nothing on the side of the employers to show that their services were terminated by the management or the relationship of employer and employee as between them has ceased at any time and as such they will be deemed to be continuing in service and the Tribunal should order for their reinstatement. I am unable to accept this submission. The contention raised on behalf of the workmen is dependent on the finding on facts, the investigation of which is beyond the scope of the reference. Again, any investigation in this regard will amount to enlargement of the scope of reference which the Tribunal cannot do in view of the provisions of Section 10(4) of the Industrial Disputes Act, 1947. The Tribunal has to confine its adjudication to the points referred to it and matters incidental thereto. The point urged is not a matter incidental to the point referred to by the Government under Section 10(1) of the Industrial Disputes Act. As the reference is, the workmen are entitled to relief only if there has been refusal of employment to them by the management and I have already recorded by decision on this point.

51. This point is thus disposed of.

52. This is my award. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

Lastly, I like to mention here that this reference had a very chequered career. It remained for some time in Central Government Industrial Tribunal No. 1, Dhanbad, thereafter it was transferred to Central Government Industrial Tribunal No. 2, Dhanbad for adjudication where also the reference remained for some time. Lastly, it came to this Tribunal on transfer and the major part of the evidence was received by my Predecessor-in-office. There was a large number of documents exhibited on both the sides, mostly during the time of my Predecessor-in-office. The reference relates to a very large number of workmen and the Tribunal had to go through and scrutinize the mass of documentary evidence and also oral evidence, already recorded by my Predecessor-in-office, keeping in view the case of each and every workmen separately. On account of all these, it is regretted that there has been considerable delay in making the award.

B. S. TRIPATHI, Presiding Officer
[No. 2/121/66-LRI]

S.O. 3630.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 1) Dhanbad, in the in-

dustrial dispute between the employers in relation to the management of Sawang Colliery of National Coal Development Corporation Limited Post Office Sawang, District Hazaribagh and their workmen, which was received by the Central Government on the 3rd December, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD.

In the matter of reference under section 10 (1) (d) of the Industrial Disputes Act, 1947.

Reference No. 12 of 1972

Parties :

Employers in relation to the management of Sawang Colliery of National Coal Development Corporation Limited, Post Office Sawang, District Hazaribagh.

AND

Their Workmen.

Present :

Mr. Justice D. D. Seth (Retd.), Presiding Officer.

For the National Coal Development Corporation Ltd :—Shri S. S. Mukherjee, Advocate.

For the Workman : Shri S. Dasgupta, Advocate.

State : Bihar

Industry : Coal.

Dhanbad, the 26th November, 1973

AWARD

This is a reference made by the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947 by an order No. L/2012/215/71-LRI dated New Delhi, the 24th March, 1972 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and runs as follows :—

"Whether the demand of the Colliery Mazdoor Sangh that Shri Mohammad Nazir Hussain, Overman, Sawang Colliery of Messrs National Coal Development Corporation Limited, Post Office Sawang, District Hazaribagh should be promoted as Senior Overman with retrospective effect, is justified? If so, to what relief is the workman concerned entitled and from what date ?"

2. The reference was received in this Tribunal on 27-3-1972 when usual notices were issued to the parties. On 15-4-1972 a written statement on behalf of the National Coal Development Corporation was received and was placed on the record. On 15-5-1972 the workman filed their written statement. On 3-10-1972 Shri S. S. Mukherjee, appearing for the management, filed seven items of documents and Shri S. Dasgupta for the workmen filed as many as 48 items of documents. The parties also filed their rejoinders. On 25-10-72 Shri S. S. Mukherjee again filed five items of documents on behalf of the management. Two more items of documents were filed on behalf of the management by the Additional Chief Personnel Officer on 15-12-1972. On 1-5-1973 another four items of documents along with a list was filed on behalf of the employers. On 18-7-1973 an application was filed by Shri S. Dasgupta for production of certain documents by the management. The same day, on admission by Shri S. Dasgupta twelve documents out of fourteen filed by the management were marked Exts. M1 to M12. Out of 48 documents filed by Shri S. Dasgupta on behalf of the workmen only 21 documents were admitted by Shri S. S. Mukherjee and they were marked Ext. W1 to W21. The same day the concerned workman Mohammad Nazir Hussain was examined as W.W.1. He proved documents Exts. W22 to Ext. W. 36. The examination of Mohammad Nazir Hussain was continued on 26-7-1973 when he proved other documents which were marked Ext. W37 to Ext. W46. He was cross-examined and discharged. Thereafter, Shri S. Dasgupta closed his evidence on behalf of the workmen. Thereafter, Shri S. S. Mukherjee examined Shri Monohar Lal Gulati, Additional Chief Personnel Officer of National Coal Development Corpora-

tion as M.W.I who proved the documents Ext. M13 to M21. He was cross-examined and discharged. On 17-9-73 Shri S. S. Mukherjee on behalf of the National Coal Development Corporation filed only one document which had been summoned for production by the management.

3. As numerous documents have been filed both on behalf of the workmen and on behalf of the employers a reference will be made only to relevant and important documents at appropriate places.

4. The case of the National Coal Development Corporation Ltd., as contained in its written statement, put briefly is that the National Coal Development Corporation was formed on 1-10-1956. Mohammed Nazir Hussain was promoted as an overman on 30-6-1960 after he had obtained the overman's certificate of competency in September, 1959 as required under the Coal Mines Regulations, 1957. On 23-10-1963 Mohammed Nazir Hussain was transferred from Giridih to Saunda Colliery in Karanpura area and again he was transferred to Argada colliery in the same area on 14-12-1963. Thereafter, the concerned workman was again transferred to Sudamdhil on 3-3-1965 but he could not join there because the authorities of that place did not consider him suitable for the Deep Shaft Mining Project and, as such, on 27-3-1965 he was transferred to Korba where he joined in the office of the Area General Manager. On 10-5-1966 Nazir Hussain was again transferred to Bokaro and Kargali area at his own request and since then he is posted at Sawang in that area. It is mentioned in paragraph 7 of the employers' written statement that at the time of Shri Nazir Hussain's transfer from Giridih to Saunda/Argada he had not qualified for promotion to the post of senior overman under the Cadre Scheme of the Corporation. According to the employers even at the time of his transfer from Argada to Korba Nazir Hussain had not completed five years' service as an overman and was therefore not entitled under the Cadre Scheme for promotion as senior overman. While at Korba Nazir Hussain was not performing the duties of even an overman. According to the management it is always the right of the management to transfer any workman from one place to another on account of administrative reasons, and that the post of senior overman is a regional/area selection post and when an employee was transferred he is considered in the Region/Area where he is serving and not in the area which he has left, and seniority as an overman for promotion to the post of Senior Overman is no doubt an important factor but it is not the only yard-stick. Merit and suitability are more important factors for selection posts. The management contended that the case of the concerned workman that his transfer from Saunda to Argada Colliery has affected his chances of promotion is not correct. According to the management the concerned workman had himself voluntarily submitted in his letter dated 24-10-1971 addressed to the Assistant Labour Commissioner (C), Dhanbad that while in Korba area he was not performing the duty of even an overman. No post of senior overman has been created or filled up in Kargali or at Sawang Colliery since May, 1966 and that even if any post of senior overman could be filled in Karanpura area, so long Mohammed Nazir Hussain was posted either at Saunda or Argada he could not be considered by any departmental promotion committee since he had not qualified himself under the Cadre Scheme for consideration for the post of senior overman because he became an overman on 30-6-1960 and, as such, until he completed five years as an overman his case could not be considered by any departmental promotion committee. According to the management no definite assurance for the promotion of Nazir Hussain could be given because his case was to be examined along with such eligible employees of the area by the departmental promotion committee. Shri Nazir Hussain has never been discriminated against during his career under the National Coal Development Corporation and he has always been treated at par with other similar employees and that his case is not that of any supersession at all.

5. On the facts mentioned above the case of the management is that the demand of the Colliery Mazdoor Sangh that Mohammed Nazir Hussain should be promoted as senior overman with retrospective effect is not justified. It may be stated at this stage that with effect from 16-3-63 Shri Nazir Hussain was promoted to the post of senior overman in National Coal Development Corporation.

6. The case of the workman as contained in their written statement which is rather lengthy is that on 1-10-1956 when

National Coal Development Corporation came into existence the ownership and management of all the collieries which formerly were owned and managed by the Indian Railways and which were taken over by the Government of India sometime in June, 1944 came to be vested in the Corporation. At the time of taking over the employees were assured that they will be retained at their old services and their service conditions and protection of all privileges and benefits were assured. In the railway collieries, experienced Mining Sirdars holding Sirdarship certificates used to be promoted as junior overman, from junior overman to overman and from overman to senior overman, thus the line of promotion was as follows :—

1. Mining Sirdar ;
2. Junior Assistant Overman ;
3. Overman ;
4. Senior Overman.

Prior to 1959 all senior overman, overman, and junior overman got promotions from their substantive posts and mining sirdars on the basis of seniority and experience only and without passing any "qualifying test or examination" because there was no statutory provisions for the post of overman at that time and it was only after 1957 that statutory qualifications and necessary examinations were prescribed for the post of overman. Nazir Hussain was originally appointed as a shot-firer assistant in 1938 in Giridih Collieries, at that time belonging to Indian Railways and with effect from 1-6-44 he was promoted as a junior overman and subsequently he was transferred to Bhurkunda in 1952. While working at Bhurkunda Nazir Hussain was promoted as an overman vide Ext. W1 dated 20-11-1953 by the Chief Mining Engineer Railway Board, Calcutta and was asked to report at Kargali Colliery. That order was, however, cancelled and another order Ext. W2 dated 24-11-1953 was passed and another junior overman i.e. Shri Nayemuddin Ahmad was promoted in place of Nazir Hussain because the former happened to be senior to the latter. In paragraph 9 of the workmen's written statement it is stated that although the seniority was stated to be the only criterion for promotion in case of Shri Nayemuddin Ahmad, on 18-12-1957, Shri S. P. Sain, a junior overman employed at Giridih colliery was promoted as overman superseding the claim of Shri Nazir Hussain. It may be mentioned that Shri S. P. Sain was junior in service to Nazir Hussain. This contention of the workmen is admitted by management in its rejoinder (see paragraph 9 of the management's rejoinder). Nazir Hussain's claim was again ignored when a Mining Sirdar, Shri J. K. Paul, an outsider, was recruited as an overman at Bhurkunda colliery itself where Shri Nazir Hussain had been working as junior overman. According to the workman in consideration of the claim of Nazir Hussain the Chief Mining Engineer, Railway Board, Calcutta vide his Memo dated 24-11-1953 promoted him as a Loading Inspector but the management of Bhurkunda Colliery did not release him (Ext. W5) and, as such, he could not avail of the position. According to the workmen Nazir Hussain continued to work as junior overman and the protests and representations made by him were of no avail. He was transferred from Bhurkunda to Giridih in 1959 and ultimately on 30-6-1960 he was promoted as overman. This delayed promotion seriously affected his promotion. Nazir Hussain worked as an overman at Giridih Colliery till October, 1963 and his work earned high appreciation of his superiors (See Ext. W10). From Giridih Nazir Hussain was transferred to Saunda on 24-10-1963 because Saunda Colliery, being a new project was in need of an overman experienced in depillaring. (See Ext. W13). Paragraph 15 of the workmen's written statement is important and relevant and is reproduced as below :—

"That according to the policy decision of the National Coal Development Corporation Ltd., the senior persons could be transferred to new projects only on promotion and in case of same grade, only the juniormost persons could be transferred. A copy of the Deputy General Manager's letter dated 30-12-1963 enunciating the above principle is enclosed and marked Annexure 'A' to the workmen's written statement.

7. It may be mentioned that the management, in its rejoinder has not denied paragraph 15 of the workmen's written statement. At the time of transfer of Shri N. Hussain the seniority list of Giridih Region contained names of 13 overmen and Shri Nazir Hussain's name

fourth from the top which shows that as many as 9 overmen were junior to him at that time. (See Ext. W36). The management's reply to this in its rejoinder is rather vague. When Shri Nazir Hussain protested against his transfer to Saunda Colliery he was informed by the Area General Manager, Giridih that he has been transferred because Saunda needed an experienced overman. Copy of the Area General Manager's letter dated 4-10-63 is Annexure 'B' to the workmen's written statement. Thereafter, Shri Nazir Hussain was successively transferred to the following collieries in different projects:—

24-10-1963 — From Giridih to Saunda Colliery.

15-12-1963 — From Saunda to Argada Colliery.

3-3-1965 — From Argada to Sudamdh (Here he was not allowed to join when he reported for duty). (Ext. W37).

29-3-1965 — From Argada to Banki Colliery. (Here he joined the A.G.M.'s Office—not performing any duty as an overman).

10-5-1965 — Transferred to Sawang Colliery.

11-7-1965 — Transferred to Patherkhera Colliery in Maharashtra.

8. During the above transfers Shri Nazir Hussain was not given the benefit of seniority in any of the concerned projects. In paragraph 20 of the workmen's written statement it is mentioned that in the meantime i.e. after the transfer of Nazir Hussain from Giridih till his posting at Sawang Colliery as many as six overmen of Giridih Colliery were promoted to the post of senior overmen on the basis of seniority. These six overmen included 3 overmen who were junior to Shri Nazir Hussain in service. These 3 junior overmen were as follows:—

- (1) Shri S. B. Banerjee,
- (2) Shri S. P. Banerjee,
- (3) Shri M. A. Rafique.

All the three were promoted as overmen in 1962 (Ext. W36 and W45) and none of them completed 5 years service as overmen in terms of the Cadre Scheme, spoken of by the management. In the meantime, the other two overmen namely Shri S. P. Sain and Shri J. K. Paul of Bhurkunda Colliery who were also promoted as Overmen superseding the claim of Shri Nazir Hussain were also promoted as senior overmen.

9. According to the workmen Shri Nazir Hussain was the victim of unfair discrimination since 1953 in as much as his claim for promotion was superseded under some pretext or other. The workmen also contended that from the above facts and circumstances it is clear that Shri Nazir Hussain was transferred from Giridih without giving him any promotion with a view to depriving him of due promotion as overman and with the motive of promoting employees junior to him in service. Shri Nazir Hussain went on representing his case and paying for promotion as senior overman and later on his case was taken up by the union of the workmen with the management. Conciliation proceedings having failed, the union referred the dispute to the Assistant Labour Commissioner (C), Hazaribagh and later on to the Regional Labour Commissioner (C), Dhanbad for conciliation. Those proceedings also ended in failure.

10. In their rejoinders to each other's written statements both the management and the workmen have challenged the statements of each other and it is not necessary to repeat those contentions. It may however be mentioned that Nazir Hussain passed the competency examination and acquired a certificate under the Coal Mines Regulations, 1957 for an overman at the first opportunity in 1959 (Ext. M1).

11. The workmen's case is that the action of the management in superseding the claim of Nazir Hussain originally for promotion to the post of overman and later on transferring him from Giridih to other collieries without offering him due promotion as per rules prevailing in the National Coal Development Corporation at that time and also promoting persons junior to Shri Nazir Hussain to the post of senior overmen after his transfer from Giridih Colliery are unjustified, malafide, irregular and illegal and amounts to

unfair discrimination and unfair labour practice. The workmen, therefore pray that the claim of the concerned workman for promotion to the post of senior overman with retrospective effect be held to be justified and it may be ordered that he be promoted to the post of senior overman with retrospective effect and may also be ordered to get his back wages and other benefits.

12. Oral evidence produced by the parties may now be discussed briefly. Each party produced only one witness. On behalf of the workmen Mohammad Nazir Hussain was examined as W.W.1. He stated that he was at first appointed in Giridih Collieries as a time-rated workman in the capacity of shot-firer assistant and in 1944 he was promoted as a clerk in the grain shop in the same colliery where he worked for about 3 months. Thereafter, he was promoted as junior assistant overman with effect from 1-6-1944 in Giridih Colliery which at that time was under the Railways. The collieries owned by the railways were taken over by the National Coal Development Corporation in 1966. For the mining supervisors there were the following posts:

- (1) Mining Sirdar;
- (2) Jr. Assistant Overman;
- (3) Junior Overman;
- (4) Overman; and
- (5) Senior Overman.

The witness has stated that when he was at Giridih he had the following certificates:—

- (a) Sirdarship certificate with gas testing;
- (b) Matriculation certificate;
- (c) Elementary Mining Course Training with Credit.

13. In 1952 the witness was transferred to Bhurkunda from Giridih in the post of Assistant Junior Overman and in 1953 he was given promotion to the post of overman. Letter of promotion to the post of overman is dated 24-11-1953 (Ext. W1) and was admitted by Shri S. S. Mukherjee. The witness stated that he received another letter of 25th November, 1953 modifying the original order promoting him to Loading Inspector and posting him at Secunderabad. The witness represented in writing against this order for modification. The representation made by the witness is dated 26-11-1953 and was marked Ext. W22. According to the witness the original order was modified because the management had informed him that Nayeeumuddin was senior to him. In 1955 the witness received another letter, posting him as loading inspector at Kothaguddum. In the meantime a vacancy occurred for the post of loading inspector at Dhanbad and the witness made a representation for being posted at Dhanbad. The representation made by the witness which was submitted by him on 30-12-1955 was proved by him and was marked Ext. W23 on 8-6-1966 the witness made another representation to the Manager, Bhurkunda Colliery which he proved and which was marked Ext. W24. Shri Nazir Hussain also proved Ext. W25 which is a copy of his representation for the post of overman bearing the date of 24-5-1957. The witness yet made another representation dated 17-1-1958 to the Managing Director of National Coal Development Corporation which was marked Ext. W26. In 1957 or sometime in 1958 Shri S. P. Sain who was a junior overman to the witness was promoted as an overman at Giridih Colliery and at Bhurkunda Colliery an outsider namely Shri J. K. Paul was recruited as an overman superseding the claim of the witness for promotion. According to the witness prior to the taking over of the colliery by the National Coal Development Corporation i.e. when the collieries were under the Railways, promotion of the mining staff was given on the basis of seniority and when the collieries were taken over by the National Coal Development Corporation the workmen were assured in writing that there would not be any changes in their service conditions. The witness was promoted as overman in 1960. The witness produced a copy of his application submitted by him on 5-8-1960 claiming retrospective effect of his promotion. This application was marked Ext. W27. The witness received a letter dated 28-10-1960 in reply to his application dated 5-8-1960 which was marked Ext. W28. According to the witness this letter bears the signature of Shri Lakhman Singh, Manager of Khurhbari Colliery. The witness

stated that he was acquainted with the signature of Shri Lekhan Singh and identified the same. The witness was transferred to Giridih Colliery in 1959 where he was promoted as overman in 1960. Nazir Hussain continued to work in Giridih till 1963 when he was served with the transfer order to Ummer Colliery in Maharashtra but in supersession of the transfer order he was transferred to Patharkhera instead. The witness produced a letter dated 5-7-1963 from the Manager, Khurhbarce Colliery releasing him for transfer from Ummer and stated that it bears the signature of Mr. Dhilon, Officiating Manager with whose signature he is acquainted. This letter was marked Ext. W29. The witness also produced a letter dated 11-7-63 from the colliery Manager, Khurhbarce Colliery posting him at Patharkhera Project and stated that it bears the signature of Mr. Dhilon and further stated that he is acquainted with the signature of Mr. Dhilon. This letter was marked Ext. W30. Nazir Hussain produced a copy of his representation dated 17-7-1963 by which he expressed his inability to accept the order of transfer to Patharkhera. This representation was marked Ext. W31. Another letter dated 23-10-1963 releasing the witness from Khurhbarce Colliery and requiring him to join Saunda Colliery was proved by the witness who stated that it bears the signature of Shri U. Kumar, Colliery Manager with whose signature he is acquainted. That letter was marked Ext. W32. Shri Nazir Hussain also proved his representations submitted by him to the Director of Production on 27-10-1963 and 29-10-1963 which were marked Exts. W33 and W34 respectively. The witness also proved a letter dated 14-12-1963, transferring him from Saunda to Argada Colliery and stated that it bears the signature of Shri Banerjee, Dy. Superintendent of collieries with whose signature he is acquainted. This letter was marked Ext. W35. Nazir Hussain produced a true copy of a circular dated 30-12-1963 issued by the Dy. General Manager, addressed to all the project Officers and stated that he personally copied it from the office record. Mr. Mukherjee objected to the marking of this document as an exhibit, because it was neither the original document nor a copy. The objection of Mr. Mukherjee was sustained by me. The witness proved a cyclostyled copy of seniority list of overman of Giridih Colliery which was marked Ext. W36. According to the witness it was the system of National Coal Development Corporation at the relevant time that if a workman was to be transferred from one project to a new project in the same scale the juniormost was to be transferred and the senior was to be transferred only on promotion. According to Nazir Hussain there was a circular to that effect, a copy of which he has filed. Both Saunda Colliery and Argada Colliery are new projects. When the witness was transferred from Giridih to Saunda, he was fourth in order of seniority of overman. In Giridih, there were 9 other overmen junior to him. On 3-3-1965 Nazir Hussain was transferred from Argada to Sudamdhil Colliery and on 10-3-1965 when the witness reported for duty at Sudamdhil Colliery he was not allowed to join on the ground that there was no quarter available for him at that place. The witness produced a letter dated 10-3-1965 signed by Shri N. K. Gupta, Administrative Officer, Sudamdhil Colliery saying that there was no vacancy for the witness at Sudamdhil Project. According to the witness the letter was a signed copy given to him and was signed by Mr. Gupta in his presence and was delivered to him. This letter was marked Ext. W37. Thereafter the witness came back and join at Argada Colliery. On 22-3-1965 Nazir Hussain was transferred to Banki Colliery in Madhya Pradesh where he reported for work but was not allowed to join there but was asked to join in the office of the Area General Manager at Korba which he did and where he was not provided with any work. According to the witness he had simply to sit in the office during the office hours. Nazir Hussain stated that he was confirmed as an overman with effect from 1-7-1961. That order was issued under the signature of Shri S. K. Mukherjee, Additional Area General Manager in March, 1966. The witness stated that he knew Shri S. P. Banerjee and Shri M. A. Rafiq both of them were overman in Giridih Colliery and were junior to him but were confirmed as overmen in 1964 and 1965 respectively.

14. Nazir Hussain applied for his transfer from Korba to some colliery in Bihar in 1965 but this application was rejected. The letter dated 31-8-1965 rejecting Nazir Hussain's application for transfer from Korba was signed by Shri D. L. Wadhera, Chief Personnel Officer whose signatures were known to the witness. This document was marked Ext. W38. From Korba Nazir Hussain was transferred to Sawang Colliery in Bihar in 1966. The witness proved

his representations dated 16-9-1966, 21-11-1966 and 23-12-1966 which were marked Exts. W39, W40 and W41 respectively. The witness admitted that there is a cadre scheme in the colliery belonging to National Coal Development Corporation. None of the three overmen who were junior to the witness namely Shri S. B. Banerjee, S. P. Banerjee and Shri M. A. Kahq had completed 5 years' service as an overman at the time when they were promoted as senior overmen. Out of these 3, two were Matriculates but M. A. Rafiq was not a Matriculate. Nazir Hussain stated that when he joined the Sawang Colliery there were two or three vacancies of senior overmen. He applied for one of those vacancies but no heed was paid to his application. The witness produced copies of letters and statement dated 29-8-1968 signed by Shri S. N. Singh, Secretary, Colliery Mazdoor Sangh, Sawang Colliery Branch and stated that he recognises his signature and identified the same. This document was marked Ext. W42. Another letter dated 12/14-9-1968 signed by Shri P. K. Mallick, Dy. Superintendent of collieries, Sawang was produced by the witness who stated that he was acquainted with the signatures of Mr. Mallick. This document was marked Ext. W43. Another letter dated 28-5-1971 signed by Shri S. N. Singh, Secretary, Colliery Mazdoor Sangh was produced by the witness who stated that he recognises Mr. Singh's signature and identified the same. This document was marked Ext. W44. The witness proved Ext. W45 which is a statement showing the seniority of overmen at Giridih Collieries as on 23-10-1963. This document was prepared by the witness and the witness certified the document to be correct. The witness also produced the statement showing his chronological service record. This document was marked Ext. W46. Nazir Hussain lastly stated that at present he is working as a senior overman since 16-3-1973 at Jarangdih Colliery in B&K Group.

15. Cross-examined by Shri S. S. Mukherjee the witness stated that he was aware that under the Cadre Scheme of National Coal Development Corporation an overman serving as such becomes eligible for consideration to be promoted as senior overman but stated that he did not know if the promotion amongst the overman is area-wise. Nazir Hussain stated that overmen were called for interview for the post of senior overman but he was not aware if all the overmen called for interview were eligible for the post of senior overman under the Cadre Scheme. The witness also stated that he was one of the overman selected for the post of senior overman. Nazir Hussain stated that he did not know the number of overmen working in the different collieries in the State of Bihar, Orissa, Madhya Pradesh and Maharashtra nor could he state about the dates of their obtaining the overmanship certificate. The witness denied that he was not found suitable for working in a Deep Shaft Mining Project. The witness was shown an application dated 4-4-1956 given by him to the Area General Manager, B & K and stated that it bears his signatures. This document was marked Ext. M13. Nazir Hussain stated that he is unable to say whether he was transferred to Sawang Colliery on the basis of Ext. M13. The order of his transfer was marked Ext. M2. Nazir Hussain further stated that he was not aware that if an employee is transferred at his own request, he losses his seniority which he had in the area from which he had been transferred. Nazir Hussain admitted that he does not possess any circular regarding the fact that the transfer to any new project is done only on promotion. Regarding his seniority list, Ext. W45, Nazir Hussain stated that it was prepared by him on the basis of the seniority list issued by the National Coal Development Corporation in 1963 and also from the office record at Giridih Colliery. The witness further stated that he has in his possession the seniority list issued by the National Coal Development Corporation for the year 1963 from which Ext. W45 has been prepared. Nazir Hussain further stated that when he was transferred from Korba to Sawang he was not the juniormost overman. His seniority was retained and his name was continued in the list of seniority in Giridih till 1966. According to the witness he had good relations with his senior officers as long as he was in service and he had no quarrel with any superior officer of National Coal Development Corporation.

16. On behalf of the management only one witness namely Manoharlal Gulati was examined. He is the Additional Chief Personnel Officer in National Coal Development Corporation since 7th May, 1963 and knows Nazir Hussain. According to him the promotion of mining subordinate employees the post of senior overmen are done area-wise. After

appointment of an incumbent as an overman five years' are provided for a matriculate employee and in case of a non-matriculate employee he will have to put 8 years' service in order to become a senior overman. Shri Gulati proved the copy of a letter dated 16-2-1972 addressed by him as Additional Chief Personnel Officer to the Chief Personnel Officer at Ranchi and stated that it contains the initial of General Manager. This document was marked Ext. M 14. He also proved a letter dated 28-4-1972 from the Deputy Chief Mining Engineer, Kargali to the Additional Chief Personnel Officer. The letter along with its enclosures contained the initials of Shri A. P. Patra the then Dy. Chief Personnel Officer whose signatures are known to the witness. This document was marked Ext. M 15. A copy of letter dated 8-8-1961 from the Dy. Superintendent of collieries to Shri B. Chatterjee and others contains the signature of Shri P. K. Mallick was produced by the witness who stated that he recognises the signatures of Shri P. K. Mallick. This document was marked Ext. M 16. A copy of an office order dated 16-12-1971 from the Chief Mining Engineer (B & K) to the Dy. S.O.C., Giridih was marked 'X' for identification. Mr. Gulati then proved the office copy of a letter by the Dy. Superintendent of Collieries, Giridih to the Additional Chief Personnel Officer (B & K) and stated that it bears the signature of Shri Murmu whose signatures the witness knows. This document was marked Ext. M 17. Shri Gulati then proved a circulars dated 19-12-1964, 23-3-1965, 27-9/4-10-1968 and 8-7-1970 which were issued by the National Coal Development Corporation from time to time and stated that these circulars contain his signatures. The witness certified the circulars being a true copies of the circulars. These circulars were marked Ext. M 18 to M 21.

17. Cross-examined by Shri S. Dasgupta on behalf of the workmen, Shri Gulati stated that prior to his joining the National Coal Development Corporation and even after his joining the Corporation the practice was that in case of surplus employees when they were deputed to new projects provided they were eligible, the seniormost men were sent on promotion. According to the witness it is not always the practice that juniormost has to go in his capacity and seniormost man must go on promotion. Transfers are made on administrative reasons. Shri Gulati further stated that cadre scheme of the National Coal Development Corporation is dated sometime 1962 when it was put into practice and further stated that in 1963 when he joined, the cadre scheme was under operation. If an employee is eligible for promotion and if he is surplus to the requirements at the place where he was working he was supposed to be sent to the new project on promotion. Surplus people are not removed from service. They are found places in other projects where there is a recruitment for the post. In the same grade the seniormost man is given the promotion on transfer when there is a surplus in a particular area and there is not equal number of vacancies in other area. According to Mr. Gulati the Departmental Promotion Committee is constituted for promotion before he joined the National Coal Development Corporation. A question was put to him by me that when there is a vacancy and Departmental Promotion Committee considers the promotions are all the eligible candidate of the area called for interview and the answer was as follows :—

"When there is an area departmental promotion committee it calls for eligible candidates from the area in proportion to the number of vacancy to be filled up and normally the persons called for are the seniormost in the area".

Another question was put to him as to what did he mean by proportion and the answer was : "If there is one vacancy and there are about 25 eligible candidates we do not call them all for one vacancy. Normally we call 5 to 7 seniormost candidates of the area". If a person is not eligible he is not called at all. If sufficient numbers of eligible persons are available in the area, employees who are not eligible are not called for.

18. Shri Gulati also stated that Nayeemuddin Ahmad was an overman at Kargali Colliery in B & K Group. He was promoted sometime in 1964 through the departmental promotion committee of the area. The witness could not say whether any other persons were called for interview when Nayeemuddin Ahmad was given promotion in 1964. Last Mr. Gulati stated that if there is a vacancy for a post and if there are eligible persons within the area the National

Coal Development Corporation does not go for outside recruitment.

19. Relevant documentary evidence will be mentioned when the arguments of Shri S. S. Mukherjee and Shri S. Dasgupta are dealt with.

20. I have heard Shri S. S. Mukherjee, appearing for National Coal Development Corporation and Shri S. Dasgupta, appearing for the workmen.

21. Mr. S. Dasgupta's first contention is that Nazir Hussain should have been promoted as senior overman with effect from 23-10-1963 when he was transferred to Saunda Colliery from Giridih Colliery. It may be noted at this stage that Giridih Colliery was an old colliery while Saunda Colliery was a new project. It may also be noted that Nazir Hussain was transferred from Giridih to Saunda in the same post as overman according to the testimony of Shri Nazir Hussain, W.W. 1.

22. The claim of the concerned workman arises only, mainly out of transfer from Giridih to Saunda in the same post with effect from 23-10-1963.

23. According to Shri S. Dasgupta the policy decision of the National Coal Development Corporation for promotion of an overman as senior overman is contained in paragraph 4 to Annexure 'A' of the written statement of the workmen which has been admitted in paragraph 15 of the management's rejoinder. Paragraph 4 of Annexure 'A' to the workmen's written statement which is dated 30-12-1963 reads as follows :—

"Normally the Area General Managers should recommend the names of persons for filling up the vacancies in the new projects either in the same grade or on promotion. While recommending for the same grade the names of the junior most persons should be forwarded and in case of promotion the names of seniormost persons should be recommended".

24. In this connection document no. 29 produced by the workmen is also relevant. The original of document 29 was called for by the workmen from the management but they did not produce it. Document 29 is also dated 30-12-1963 and the subject of the document is "recruitment in new projects/transfer of personnel from the existing projects under different Area General Managers".

25. Shri S. S. Mukherjee on the other hand relied upon on the cadre scheme of the National Coal Development Corporation which is contained in Ext. M 6 at item no. 6 which relates to overmen. In item no. 6 are contained the following words :—

"5 years or in case of non-Matriculate holding overman's certificate, the minimum experience required should be 8 years", and on top appear the following words :—

"Period for next promotion subject to suitability and availability of vacant posts".

Shri S. S. Mukherjee contended that Nazir Hussain did not complete 5 years as an overman and he could not be promoted as a senior overman. He also contended that according to M.W. 1 the promotion of Overman was area-wise and was subject to the suitability which was to be decided by the Departmental Promotion Committee and also was subject to there being a vacancy. Shri S. S. Mukherjee contended that Nazir Hussain appeared before the Departmental Promotion Committee along with other candidates in 1973 when he was promoted as senior overman in that area and hence Nazir Hussain can have no grievance. Mr. Mukherjee also contended that paragraph 4 of Annexure 'A' on which reliance has been placed by Shri S. Dasgupta is dated 30-12-1963 and hence it was impossible for the management to have promoted Nazir Hussain with effect from 23-10-1963 which was earlier to 30-12-1963.

26. I have given careful thought to the contentions of the learned counsel of the parties and I find great force in the submission made by Shri S. Dasgupta. The principle regarding transfer of an overman was decided long before December,

1963 which is clear from the first sentence of annexure 'A' dated 30-12-1963 which runs as follows :—

"The policy of recruitment of personnel in the higher posts in the new Projects was already decided and circulated under D.P.R.'s letter No. DPR/Monthly-meeting/CMES, II dated 14-6-1962, copy enclosed for ready reference".

27. The above sentence clearly shows that when Nazir Hussain was transferred from Giridih to Saunda on 23-10-1963 there was already a circular which had been issued on 14-6-1962 and according to that circular he should have been transferred to Saunda as senior overman. It may also be noted at this stage that Nazir Hussain at the time of his transfer to Argada colliery on 30-6-1960 was senior to 9 persons vide Ext. W 36 which is dated 27-2-1965 and is signed by Dy. Superintendent of collieries, Giridih and has been filed in original. Since Nazir Hussain was senior to 9 overmen when he was transferred to Saunda he should have been transferred as a senior overman. It may also be stated that the circular dated 14-6-1962 referred to in the first sentence of Annexure 'A' to the written statement of the workmen is a document of National Coal Development Corporation which clearly shows that the policy decision regarding transfer was taken as early as 14-6-1962 i.e. much earlier than the time when Nazir Hussain was transferred from Giridih to Saunda.

28. Shri S. S. Mukherjee contended that since Nazir Hussain has already been promoted as senior overman with effect from March, 1973 and transferred to Jarangdih Colliery the question whether he should have been promoted as senior overman with effect from 23-10-1963 is no longer a live issue. I find no force in this contention. Nazir Hussain was entitled to promotion as senior overman on 23-10-1963. He is entitled to his benefits with retrospective effect and that question has been specifically referred to this Tribunal for adjudication by the Central Government. I also do not find any force in the contention of Shri S. S. Mukherjee that promotion of Nazir Hussain was subject to suitability and availability of vacancy and also was subject to his having worked in one area as an overman for 5 years because he was subjected to so many transfers that he hardly remained in one colliery for more than a year and a half. Under these conditions how was it possible for him to have completed 5 years service as an overman in the same colliery. Regarding there being a vacancy for a senior overman at Sawang Colliery when Nazir Hussain was transferred there the fact is clear from Ext. 39 which is dated 16-9-1966 and is a representation made by Nazir Hussain overman of Sawang Colliery for promotion as a senior overman. In this exhibit he has stated that there was a vacancy in the post of a senior overman. Ext. W 19 is in reply to Ext. W 39 and is dated 11-1-1967. The subject matter of Ext. W 19 is an application of Mohammed Nazir Hussain, Overman, Sawang Colliery for promotion to the post of senior overman. The following extract of Ext. W 19 is relevant in this connection and shows that the management had no intention of filling up the vacancy of senior over-man:—"With reference to your letter No. DS/APP/11040 dated 5/6-2-1966, this is to inform you that as no post of Senior Overman is being filled up now, it is therefore regretted that the application of the above named staff cannot be entertained".

29. Shri S. S. Mukherjee also contended that promotion to the post of senior overmen were made at Giridih in 1966 and Nazir Hussain was at that time was at Giridih and there is no reasons why he kept quiet till 1971. I am afraid, it is not correct that Nazir Hussain kept quiet till 1971. As a matter of fact, Exts. W 40 and W 41 show that Nazir Hussain made representations in 1966 itself regarding his being passed over for the post of senior overman. Then again in 1968 he made another representation (Ext. W 42) through his union regarding the wrong done to him. As a matter of fact on 13/14-9-1968 vide an Ext. W 43 the Dy. Superintendent of collieries, Sawang sent a reply to the Assistant Labour Commissioner (C), Hazaribagh regarding the demand of the union to which Nazir Hussain belonged in respect of his promotion as a senior overman. So it is not correct to state that Nazir Hussain kept quiet till 1971. He went on making representations but to no effect.

30. The next contention of Shri S. Dasgupta is that the numerous transfers to which Nazir Hussain was subjected amount to unfair labour practice because most of them

contained no reasons. Mr. Mukherjee's reply was that most of the transfers of Nazir Hussain were cancelled when he made representations and also that some of the transfers were made at Nazir Hussain's own request.

31. I have given careful thought to the respective contentions of the learned counsel of parties and I find force in the contention of Shri S. Dasgupta. It is true that some of the transfers to which Nazir Hussain was subjected were cancelled when he made representations but at the same time it is also proved that he was still subjected to numerous transfers giving no reasons and it is not correct to state that some of the transfers were made at his own request. While at Korba it is true that Nazir Hussain applied for his transfer vide Ext. W 38 but his request was turned down and hence it is not correct that some of his transfers were made at his own request.

32. Shri S. S. Mukherjee then submitted that the transfers to which Nazir Hussain was subjected from one colliery to the another were for administrative reasons and the management has always the right to transfer a workman to another place it likes. In this connection attention may be invited to Ext. W 13 dated 4-10-1963 which is addressed to Mohamed Nazir Hussain by the Area General Manager of the National Coal Development Corporation Ltd. The following paragraph of Ext. W 13 is relevant :—

"It is only in case of surplus staff and workers that we have followed the policy of junior most men to be transferred due to administrative convenience. The management has always got the right to transfer anybody from one place to another on account of administrative reasons. During my last inspection of Saunda Colliery, it was brought to my notice that the said colliery is in urgent need of one overman, experienced in depillaring. Please, therefore, transfer Shri Nazir Hussain immediately to report for duty to the Dy. SOC, Saunda".

33. It is true that the management has the right to transfer a workman for administrative reasons but those reasons must be judicious and reasonable reasons and cannot be exercised arbitrarily. According to Ext. W 13 Nazir Hussain was a surplus person. Attention is drawn to Ext. W 20 which is a letter from the Chief Personnel Officer of National Coal Development Corporation Ltd. to the Assistant Labour Commissioner and is dated 18-10-1968. From this exhibit it is clear that at Giridih Nazir Hussain was a surplus employee as is clear from the following quotation : "The Giridih Colliery is under way of closing and, therefore, its employees are gradually becoming surplus and, therefore, in their own interest they have to be transferred; otherwise they will have to face retrenchment. Shri Nazir Hussain was a surplus employee in Giridih Colliery and, as such, he was transferred from Giridih Colliery to other project where vacancy was available." According to the policy decision of National Coal Development Corporation if Nazir Hussain was a surplus person at Giridih he ought to have been transferred from there as a senior overman. According to the principle enunciated in Ext. W 13 Nazir Hussain being one of the senior overman when transferred from Giridih should have been transferred in a higher grade. As has already been stated above annexure 'A' to the written statement of the workmen enunciated the principle of transfer adopted by the management which is clarified in Ext. W 13. All these documents support the claim of Nazir Hussain being a surplus person and, as such, he should have been transferred in a higher grade and it follows therefore, that Nazir Hussain should have been transferred as a senior overman on 23rd October, 1963 or else the juniormost overman should have been transferred. Regarding the contention of Shri S. S. Mukherjee that the management has always got the right to transfer a workman for administrative reasons, it may be stated that Nazir Hussain was first transferred from Giridih to Umrer in Maharashtra on 4/5-7-63 vide Ext. W 11. No reasons for the transfer of Nazir Hussain from Giridih to Umrer is contained in Ext. W 11. Ext. W 11 does not state that Nazir Hussain was being transferred for administrative reasons. According to Ext. W 29 Nazir Hussain was released for joining at Umrer but that order was rescinded by Ext. W 30 and instead Nazir Hussain was transferred to Patharkhera in Maharashtra. Nazir Hussain protested against this transfer and made a representation on 17-7-63 which is Ext. W 31. In reply to that representation he was transferred to Saunda vide Ext. W 13. If the management wanted to transfer Nazir Hussain

for administrative reasons why was he first transferred to Ummer from Giridih and then to Patharkhera and later on to Saunda? Since the Area General Manager could not give any explanation or any reason for Nazir Hussain's transfer to Ummer or Patharkhera it must be presumed that there were no administrative reasons at all for these transfers. After Nazir Hussain's transfer to Saunda on 23-10-63 he was immediately, thereafter, transferred to Argada (see Ext. W 35) which is dated 14-12-63 which shows that Nazir Hussain stayed in Saunda for hardly two and half months. If Nazir Hussain's transfer to Saunda was urgently needed as is mentioned in Ext. W 13 why was he immediately transferred to Argada? Nazir Hussain obeyed the transfer order and proceeded to Argada where he was not allowed to stay because in March, 1965 he was again transferred to Sudamdhil Colliery. This transfer letter is Ext. W 15 dated 3-3-65. Ext. W 37 however shows that Nazir Hussain was returned from Sudamdhil for the reason that there was no vacancy at Sudamdhil. Under these circumstances can it be said that Nazir Hussain's transfer to Sudamdhil was for administrative reason? Nazir Hussain returns to Argada and immediately thereafter i.e. on 27-3-65 he was transferred to Banki Colliery. These transfers clearly show that Nazir Hussain was subjected to persecution and that the management was bent upon depriving him of his promotion as senior overman. At Banki also Nazir Hussain was not allowed to join but was sent to the office of the Area General Manager at Korba vide the deposition of Nazir Hussain W.W. 1. At Korba Nazir Hussain was only asked to sit on the office of the Area General Manager.

34. Under these conditions can it be said that the above transfers were for administrative reasons? In the meantime as is clear from Ext. W 33 Nazir Hussain expressed his apprehension that he would not be promoted as a senior overman. The following extracts from Ext. W 33 are quoted below:—

"I may mention here that I am the second sr. most incumbent of Giridih zone and I have been depriving promotion in the near future, but I am afraid my claim for promotion in the near future may be ignored in case there being some more senior employees than me in the zone I have been transferred to".

"Under the above circumstances I most humbly pray that in case my transfer may not be withdrawn, I may kindly be transferred on a promotion basis, so that I may be in a position to adjust financially the expenditures required towards my incomberances without affecting their lives for which I shall ever pray".

35. When Nazir Hussain was transferred from Arkada to Korba several overmen were promoted as senior overman. Three of those overmen namely, Shri S. P. Banerjee, S. B. Banerjee and M. A. Rafiq were actually juniors to Nazir Hussain. Nazir Hussain's case was not considered because he was not at Giridih at that time. (See Ext. W 36).

36. Thereafter, Nazir Hussain was transferred back to Sawang in Bihar by letter dated 23/25-5-66 (Ext. W 18) and it was at Sawang when the present dispute was raised by the workmen on behalf of Shri Nazir Hussain. The three juniormost overmen who have been named above who were promoted as senior overmen earlier than Nazir Hussain in 1966 were really junior to Nazir Hussain as is clear from Ext. W 36. Nazir Hussain was promoted as an overman in 1966 and hence in 1966, evidently he had completed more than 5 years as an overman and none of the three junior overmen named above had completed 5 years because all of them had been promoted as overman only in 1962. Moreover out of the three junior overmen, M. A. Rafiq was a non-matriculate for whom 8 years' experience as an overman was required.

37. According to Ext. W 45, Nazir Hussain was confirmed as an overman on 1-7-61. This also shows that in 1966 he had completed 5 years experience as an Overman. Hence, according to Cadre Scheme of the National Coal Development Corporation also Nazir Hussain had qualified for promotion when his three junior overmen had already been promoted.

38. All these facts clearly prove that Nazir Hussain was being persistently persecuted and victimised.

39. Shri S. S. Mukherjee contended that promotion of an overman to the post of senior overman is discretionary with the management but if the discretion exercised by the management amounted to unfair labour practice and victimisation, the Tribunal cannot interfere. This principle has been clearly laid down by the Supreme Court in Brooke Bond (P) Ltd. and their work (1950-57 5 S.C.L.J. page 3499 at page 3500 as follows:—

"It is true that though promotions would normally be a part of the management's function, if it appears that in promoting one employee in preference to another, the management has been actuated by malicious considerations or that the failure to promote one eligible person amounts to an unfair labour practice, that would be a difficult matter".

40. For the above reasons my award is that the demand of the Colliery Mazdoor Sangh that Shri Mohammed Nazir Hussain, Overman, Sawang Colliery of M/s. National Coal Development Corporation Ltd., P. O. Sawang District Hazaribagh should be promoted as senior overman with retrospective effect is justified. The concerned workman is entitled to be promoted as senior overman with retrospective effect with effect from 23-10-63 and is also entitled to receive back wages pertaining to that post from that date.

41. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

[No. L-2012/215/71-LRII]

New Delhi, the 18th December, 1973

S.O. 3631.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri J. N. Das, Regional Labour Commissioner (Central), Asansol, Arbitrator, in the industrial dispute between the employers in relation to the management of Godhur Colliery of M/s. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 10th December, 1973.

In the matter of arbitration under section 10A of the Industrial Disputes Act, 1947 between the management of Bharat Coking Coal Limited in relation to their Godhur colliery, P. O. Kusunda, district Dhanbad and their workmen represented by Colliery Mazdoor Sangh (INTUC), Rajendra Path, Dhanbad regarding alleged illegal dismissal of S/Sri B. D. Singh, Ramdhari Singh and Kedar Dubey.

Present :

Shri J. N. Das : Arbitrator

AND

Regional Labour Commissioner (Central) Asansol.
Representing the Management : Shri B. Joshi, Advocate.
Representing the Workmen : (i) Shri Shankar Bose, Advocate (ii) Shri Uma Kant Singh, Organising Secretary, Colliery Mazdoor Sangh (INTUC), Rajendra Path, Dhanbad.

Industry : Coal

State : Bihar.

No. E-1/18(2)/73

Dated, the 4th December, 1973

By their agreement dated 7-9-1973 the management of Godhpur Colliery of Bharat Coking Coal Limited (hereinafter referred to as B. C. C. Ltd.), P. O. Kusunda, District Dhanbad and the Secretary, Colliery Mazdoor Sangh (INTUC) (hereinafter referred to as CMS), Rajendra Path, Dhanbad, referred the following specific dispute for my arbitration under Section 10A of the Industrial Disputes Act, 1947 :—

"Whether the demand of the Colliery Mazdoor Sangh, Rajendra Path, Dhanbad for the reinstatement with full back wages in respect of S/Shri B. D. Singh, Clerk Ramdhari Singh, Mining Sirdar and Kedar Dubey, Trammer who were dismissed from services with effect from 9-4-1973, is justified? If so, to what relief is the concerned workmen entitled?"

The parties further agreed that the decision of the arbitrator shall be binding on them.

2.1 The said agreement was also published in the Gazette of India *vide* Government of India, Ministry of Labour and Rehabilitation (Department of Labour & Employment), New Delhi's Order No. L-2013/1/73-LR. II dated 24-9-1973 as required under Sub-Section (3) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947).

2.2 The parties were accordingly asked to submit the written statement of their respective case. The management submitted its statement on 12-10-1973 and the same from the Organising Secretary, C. M. S. was received on 22-10-1973. A rejoinder to the statement of the workmen was also received on 1-11-1973 from the management.

2.3 The case was first put up for hearing on 5-11-1973 when Shri U. K. Jha, the Personnel Officer of B. C. C. Ltd., and Shri Shankar Bose, Advocate as well as Shri Uma Kant Singh, Organising Secretary of the C. M. S. were present. The Organising Secretary submitted a number of documents and the same being approved by Shri U. K. Jha, the Personnel Officer of B. C. C. Ltd., were marked as exhibits W-1 to W-10. On 7-11-1973 the workmen's representative further filed a number of documents and these were marked, on being approved by Shri U. K. Jha as exhibits W-11 to W-14. However, Shri Jha did not approve the document, *viz.*, the letter No. ERA/71/2377-81 dated 15-6-1971 from the Secretary of the C. M. S., Rajendra Path, addressed to the Manager, Godhur colliery. This was later on proved by WW-1 in his examination-in-chief and was accordingly marked as exhibit W-11. Shri Jha, the Personnel Officer of B. C. C. Ltd., also submitted 52 documents of which 4 were not approved by the workers representative. However, the remaining 48 documents were marked as exhibits M-1 to M-48 as the same were approved by the opposite party. The rest of the documents *i.e.* 18 in numbers which were issued by the Manager of Godhur colliery on 19-9-1972 to 18 workers calling upon them to appear in the enquiry proceedings on 21-9-1972 were proved by MW-3 and came to be marked as M-49 to M-66. M. W-2 in his examination-in-chief proved the enquiry report and the enquiry proceedings and these were marked as exhibits M-67 and M-68. In course of hearing on 10-11-1973 Shri Shankar Bose examined 5 witnesses on oath on behalf of the workmen concerned in this dispute and they were cross-examined by Shri B. Joshi, Advocate for the management. Similarly, Shri B. Joshi examined 2 witnesses on behalf of the management on 22-11-1973 and the 3rd witness at Dhanbad on 26-11-1973. These management's witnesses were also cross-examined by Shri Shankar Bose. On 29-11-1973 the Advocates from both the parties argued their cases and the argument was closed by them on 30-11-1973.

3.1 In the written statement on behalf of the 3 workmen concerned in this dispute, *viz.*, B. D. Singh, Ramdhari Singh and Kedar Dubey, Clerk, Mining Sirdar and Trammer respectively it has been stated that the Godhur Colliery, P. O. Kusunda, Dist-Dhanbad till 16-10-1971 was owned by M/s. Godhur Colliery Company and the same mine was taken over along with 213 other collieries by the Government of India with effect from 17-10-1971. Upon nationalisation of these mines the Govt. owned company, *viz.*, Bharat Coking Coal Limited became the owners of this colliery with effect from 1-5-1972 along with other nationalised collieries. Upon nationalisation the B.C.C. Ltd., took over the workmen of Godhur colliery as were on the rolls of employment of the previous employer on 16-10-1971 on the same terms and conditions. That, B.C.C. Ltd., did not frame a separate standing orders after nationalisation but the same old standing orders as certified exclusively for Godhur colliery during the regime of the erstwhile owner, *viz.*, Godhur Colliery Company, continued to govern the service conditions of the workmen of the Godhur colliery. That, the 3 workmen, *viz.*, B. D. Singh, Ramdhari Singh and Kedar Dubey were permanent workmen of Godhur colliery.

3.2. That, the previous owner of the Godhur colliery exploited the workers of the colliery in absence of a trade union to safeguard their interest. Therefore, the workers formed a branch of the Colliery Mazdoor Sangh (INTUC) in 1970 and the 3 workmen as named above were elected as the office bearers of the said branch committee, in that, B. D.

Singh and Kedar Dubey were elected Assistant Secretaries and Ramdhari Singh was elected as Vice-President. That, immediately after formation of the above branch committee the management started victimising the workmen and got filed cases under 107 Cr. P. C. The previous management employed Shri S. N. Sahi, Personnel Officer to terrorise the active workers of the Godhur colliery branch of C.M.S. That, Shri Sahi was personally prejudiced against the C.M.S. While he was working at North Damoda Keshergarh Colliery under the same old management and from where he was transferred and came to Godhur colliery. That, even after nationalisation of this colliery Shri Sahi continued to harass the active workers who were members of the C.M.S. and was instrumental in misguiding the higher authorities of B.C.C. Ltd.

3.3. That, the Manager of Godhur colliery served identical charge-sheets on 21-2-72 to 64 workmen including the 3 workmen concerned in this dispute. That, the charge sheets were replied to by the workmen denying the charges. That, the management with a pre-determined attitude organised a show of departmental proceedings. That, the enquiry that was held from 21-9-72 was perfunctory and continued for long many months and the 3 concerned workers came to be dismissed by a letter dated 9-4-1973.

3.4. That, the rest of the 61 workers were allowed to resume their duties during the course of enquiry proceedings and no communication to them has yet been made about the result of the enquiry. That, the Enquiry Officer was influenced by the management and the enquiry held by him was not impartial and natural justice was denied to the workmen.

3.5. That, only 3 workmen were pin-pointed and selected for dismissal. That, the dismissal letter dated 9-4-73 has been signed by the General Manager, Area No. 3 of B.C.C. Ltd., who had no jurisdiction to dismiss the concerned workmen.

3.6. That, the chronological incident as alleged in the charge sheet dated 21-2-72, the selection of only 3 workers for dismissal out of the 300 in the alleged mob of workers and involvement of Shri S. N. Sahi, Personnel Officer would prove the malafide intention of the management against the 3 workmen concerned in this dispute.

3.7. That, the arbitrator should hold that the dismissal from service of B. D. Singh, Ramdhari Singh and Kedar Dubey by the management of Godhur colliery was not justified and that these workmen should be reinstated with full back wages along with all allowances that were payable to them had they not been dismissed.

4.1. The management in their written statement dated 12-10-73 have stated that B. D. Singh, Ramdhari Singh and Kedar Dubey were employees of Godhur colliery the management of which was taken over by the Govt. of India on 17-10-1971 and the colliery came to be eventually nationalised when its ownership was vested under B.C.C. Ltd., a Govt. Company w.c.f. 1-5-1972. That, at the material time Shri A. K. Chatterjee was the Custodian for Godhur colliery.

4.2. That, when the colliery was in private hands all sorts of practices, some of which were not desirable, were in vogue. That, with the taking over of this colliery naturally these were cured and which was not to the liking to the persons particularly those who were bullying over others.

4.3. That, on 8-2-72 at about 8 A.M. in the morning a huge crowd numbering about 300 armed with deadly weapons like lathis and Bhallas and headed by the 3 workmen concerned in this dispute formed an unlawfull assembly and assaulted 2 overmen, one Asst. Manager at pit No. 1. That, the mob then raided the group office, broke the glass window and forced entered into the group office, dragged the Personnel Officer, Shri Sahi and brutally assaulted him. Thereafter, the crowd also assaulted a Mining Sirdar, *viz.*, Rameshwar Singh, Shri B. L. Sharma, Asst. Bhatta-in-charge whom he tried to reason with the assailants. That, P. N. Singh the Labour Welfare Officer of the colliery was also assaulted.

4.4. That, Shri A. K. Chatterjee the Custodian who having heard of the trouble informed Kenduadih Police Station and came back with the Officer-in-Charge of the Thana to the group office at about 8-30 A. M. That, while he and the Officer-in-Charge of the Police Station were reasoning with the crowd the mob at the instance of B. D. Singh brutally assaulted him and the Officer-in-Charge causing them multiple injuries.

4.5. That, since the above acts constitute misconduct under clauses 18(e), (l), (q), (r), (t), & (u) of the certified standing orders charge-sheets were issued on 21-2-72 to 18 workmen who could be identified out of the mob of 300. That, the concerned workers submitted identical replies to the charge-sheets. That, the replies to the charge-sheets having been found unsatisfactory it was decided to hold domestic enquiry which was held by Shri S. N. P. Sinha, Personnel Officer of Putki Colliery.

4.6. That, the Enquiry Officer held the enquiry from 21-9-72 to 25-9-72 and all the charge sheeted workmen including the 3 concerned workmen in this dispute took part in the enquiry. That, prosecution witnesses were produced one by one and examined and the concerned workmen were given all opportunities to cross-examine them as also to produce their witnesses in defence. The 3 workmen concerned in this dispute did not cross-examine any of the management's witnesses but examined themselves only.

4.7. That, the Enquiry Officer in his report dated 14-1-73 came to the finding, on the evidences produced before him, that the 3 workmen concerned in this dispute, were guilty of the charges levelled against them. That, the Enquiry Officer also found the charge of riotous and disorderly behaviour, forming unlawful assembly with weapons assaulting and causing injuries proved against 7 workmen and the rest of the 8 workmen among the charge-sheeted were acquitted for want of sufficient evidence against them.

4.8. That, the Area General Manager, after carefully considering the report of the Enquiry Officer and his findings, ordered on 5-4-73 the dismissal of the 3 workmen concerned in this dispute. That, other persons who were found guilty were also suitably punished.

4.9. That, the concerned 3 workmen have been dismissed for gross misconduct and as such their dismissal was justified and no relief whatsoever is warranted.

5.1. The Advocates of both the parties more or less elaborated their respective stands as mentioned in their written statements. I will discuss the distinctive features of their arguments in the succeeding paragraphs.

5.2. The common ground is that the Godhur colliery was owned and managed by M/s. Godhur Colliery Company, P.O. Kusunda, Dist-Dhanbad till 16-10-71 and from 17-10-71 the Government of India took over the management of this mine along with 213 others in the country under the provisions of the Coking Coal Mines (Emergency Provisions) Ordinance, 1971 (Ordinance No. 12 of 1971). This mine along with other 213 coking coal mines were nationalised by the Govt. of India under the provisions of the Coking Coal Mines (Nationalisation) Act, 1972 (Act No. 36 of 1972) w.e.f. 1-5-1972. Since then B.C.C. Ltd., a Govt. Company, was made the owner of the Godhur colliery along with 213 similarly nationalised coking coal mines. The 3 workmen concerned in this dispute viz., B. D. Singh, Ramdhari Singh and Kedar Dubey were working in Godhur colliery as Clerk, Mining Sirdar and Trammer respectively for a long time and had acquired permanency in their services. It is also a common ground that Shri J. C. Dhar was the Manager, Shri Ambika Singh was the Asstt. Manager and Shri S. N. Sahi was the Personnel Officer at Godhur colliery at the material time and Shri A. K. Chatterjee was the Group Officer for a group of collieries including the Godhur colliery under him. On other points in their written statement the parties have taken different stands and have tried to prove and disprove the involvement of the 3 concerned workmen in the incident that allegedly took place on 8-2-1972 in the Godhur colliery.

5.3. After going through the various exhibits filed by the management as well as by the workmen it is observed that on 21-2-72 an identical charge-sheet was issued to 18 workmen of Godhur Colliery, viz., B. D. Singh, Parmeswar Chamar, Kedar Dubey, Ramdhari Singh, Chhottu Rewani, Kadir Mia, Chhokori Mahto, Kamta Jado, R. N. Upadhyay, Dasarath Singh, Khedaru Nonia, Uma Shankar Jado, Ram krit Jado, Isdeo Jado, Rasik Manjhi, Madna Muchi, Rajaram Jado and Shamrathi Jado. These formed exhibits M-2, M-4, M-6, M-8, M-10, M-12, M-14, M-16, M-18, M-20, M-22, M-24, M-26, M-28, M-30, M-32, M-34 and M-36. The said 18 workmen had also given identical replies and these formed exhibits M-3, M-5, M-7, M-9, M-11, M-13, M-15, M-17,

M-19, M-21, M-23, M-25, M-27, M-29, M-31, M-33, M-35 and M-37. Exhibits M-49 to M-66 are the letters dated 19-9-72 issued by the Manager of Godhur colliery to the aforesaid 18 workmen asking them to participate in the domestic enquiry to be held on 21-9-72. Exhibit M-67 is the enquiry report dated 14-1-73 of the Enquiry Officer. Exhibit M-68 is the enquiry proceeding containing the statement of P. W-1 to P. W-10 as also the statement of DW-1 to DW-6. P. W-3 is Shri J. C. Dhar the then Manager of Godhur Colliery P.W. 7 is Shri S. N. Sahi the then Personnel Officer, P.W. 8 Shri J. C. Dhar the then Manager of Godhur colliery, Ambika Singh, Asstt. Manager of Godhur colliery and P.W. 10 is Shri A. K. Chatterjee, the then Group Officer. P.W. 1, 2, 3, 4, 5, & 6 are K. P. Kachha, Overman, D. L. Sharma, Bhattacharya, Ramprasad Singh, Chapras, Kashinath Pandey, Overman and Ramsharan Singh, Mining Sirdar respectively. They are all workmen of Godhur colliery. D.W. 1 is B. D. Singh, D.W. 3 is Kedar Dubey and DW-4 is R. D. Singh, the 3 workmen concerned in this dispute.

5.4. After going through the statement given before the Enquiry Officer between 21-9-1972 to 25-9-1972 by all the aforesaid P.Ws. and D.Ws. as also other charge sheeted workmen, it appears that there was an incident during the first shift of 8-2-1972 in the Godhur colliery in which a mob violence took place. The first shift, it appears, started in Godhur colliery from 8 A.M. This incident has a root in the incident that took place on the 7th February, 1972 when B. D. Singh, Asstt. Secretary of the C.M.S. branch at Godhur colliery was receiving subscription from the monthly paid staff of the colliery. It appears that 7-2-1972 was the pay day so far as the monthly paid employees of this colliery were concerned. From all accounts it is established that B. D. Singh and Kedar Dubey were Asstt. Secretaries and Ramdhari Singh was the Vice-President of the C.M.S. branch committee at Godhur colliery. B. D. Singh in his above capacity was taking subscription from the monthly paid employees on 7-2-1972, the pay day. P.W. 3, 7, 8, and 9, who were the important officials of the management of the Godhur colliery have all testified that there was some scuffle between B. D. Singh, the Asstt. Secretary of the C.M.S. on the one hand and K. P. Kachha, P.W. 1 and K. N. Pandey, P.W. 5 on the other hand. K. P. Kachha & K. N. Pandey were Overmen and were important members of the Indian National Mining Overmen Sirdars and Shot-Firers Association, a craft union functioning in many of the collieries falling in the states of West Bengal and Bihar. These 2 Overmen not only refused to pay the subscription but also challenged B. D. Singh's integrity. Naturally, this gave rise to quarrel in which B. D. Singh, at that being along in the colliery's office, came to be assaulted. Since it was evening nothing untowards further happened and the payment counter was closed. But the tension remained. Since an important official of the C.M.S. was manhandled the previous evening this aroused a great tension among the members of the C.M.S. who mostly were weekly paid employees of the Godhur colliery. It may be stated that Shri J. C. Dhar, the then Manager of the colliery in his examination-in-chief before me has stated that the number of employees in Godhur colliery might have been at least 1500 at the time of the incident. Of this figure it can safely be assumed that 1/3rd of it might be the monthly paid employees who were members of 3 different unions functioning in the Godhur colliery. One was the INMOSSA, the other was the Godhur Colliery Workers Union and the third was the C.M.S. (INTUC). The first two unions were independent whereas the 3rd one was affiliated to INTUC. The Godhur Colliery Workers' Union which has been termed by the workers as a pocket union of the erstwhile private management went in oblivion after nationalisation. It has been alleged that S/Sri Ambika Singh, Asstt. Manager and S. N. Sahi, the Personnel Officer, were looking after the Godhur Colliery Workers' Union. B. D. Singh, (D.W. 1) in his statement before the Enquiry Officer has in so many words emphasised that the Godhur Colliery Workers' Union was a defunct union and its God-fathers included S/Sri Ambika Singh and S. N. Sahi. Be that as it may, the workers who were going to work in the first shift on 8-2-1972 were all very much exercised after hearing the incident that took place at the pay counter in the evening of 7-2-1972 and they refused to work demanding an explanation as well as justice from the management. It appears that the feeling of the workers were running very high because of the subtle movement of S/Sri Ambika Singh and S. N. Sahi who were suspected by workers of engineering the trouble through K. P. Kachha and K. N. Pandey. The workers, most of whom carried their shovels, baskets, crowbars and mining

sticks. These were the implements provided by the management to workers in order to facilitate working. These mining sticks have been, perhaps, termed by the prosecution witnesses as lathis but such lathis were in possession with K. P. Kachha and K. N. Pandey the Overmen as also usually taken by all the supervisory staff like the Mining Sirdar, Prop-Mistries, Asstt. Managers and Managers when they go down the mine. This is a practice which is available everywhere in the coal mines even today and is coming down since long many years. It appears that the workers of the first shift who were in procession in the morning of 8-2-1972 (all were the members of the C.M.S.) being exercised by the events of the previous day first went to the Lamp Room where scuffle arose again between them on the one hand and K. P. Kachha and K. N. Pandey on the other. It further appears that the provocation came from K. P. Kachha & K. N. Pandey which triggered off the violence and these 2 overmen were assaulted. Once the mob fury was aroused it became, perhaps, impossible for the leaders like B. D. Singh and Ramdhari Singh to control them and thereupon the crowd went to the group office where they found Ambika Singh and S. N. Sahi who too were assaulted and all others who came and opposed them also received certain injury. All concerned have stated that Shri A. K. Chatterjee the Group Officer when came to the group office along with the Officer-in-Charge of the Kenduadih Police Station was hit with brick-bats because Shri Ghatterjee was not agreeing as exhorted by B. D. Singh, to address the workmen and to pacify them saying that justice would be done. B. D. Singh in his statement before the Enquiry Officer has said that he was protecting Shri A. K. Chatterjee the Group Officer and in doing so he himself received injuries from the brick-bats.

5.5. The statement of P.W. 8, who is the Labour Welfare Officer of the colliery given before the Enquiry Officer on 25-9-1972 is outstanding because of frankness. It has been admitted by him that the root cause of this trouble was the 2 groups of unions functioning in the Godhur colliery and that the incident on 8-2-1972 had an important bearing on what happened in the evening of 7-2-1972 at the pay counter. P.W. 8 is frank enough to admit that the workers were divided into groups and it was impossible for anybody to say as to who was assaulting whom. He too received some injury but nobody was to be blamed because the groups of workmen were not exercising their minds. Thus, there was a mob violence wherein all those who were suspected by workers of antilabour practices and playing one group against the other came to be assaulted. It is significant that Shri J. C. Dhar, the Manager of the colliery was not touched at all. Again, Shri Chatterjee received minor injuries from brickbats from the mob which had to be stitched later on. We have Shri Chatterjee's own statement before the Enquiry Officer as P.W. 10 to sustain this. Nowhere Shri Chatterjee has said that he was brutally assaulted nor is any hint in his statement that the mob started assaulting him when B. D. Singh blew a whistle. This story appears to be very much exaggerated and its mention in the charge-sheet dated 21-2-1972 is without any basis. The word 'brutally assaulted' has occurred at many places in the said charge-sheets. From the evidences of P.W.s. before the enquiry it is clear that none has supported this story of brutal assault. On the other hand the P.W. 10 (Shri Chatterjee) has stated before the enquiry that it was B. D. Singh, who conducted him safe to his office. Another evidence worth noting is that of D. L. Sharma, Bhatta-in-charge. He is P.W. 2. He says that he saw the mob. While on the main road he heard people saying that Sahi was assaulted. He came back to the group office and on his way he heard from the son of Rameswar Singh, Mining Sirdar, that his father has been assaulted. When he reached the group office he saw Rameswar Singh and Sahi lying on the ground and verandah respectively. It was at that time that B. D. Singh assaulted him with a lathi. This very same person (D. L. Sharma) is also the witness of the workers. He was examined before me as W.W. 5. He has testified that although he was assaulted on 8-2-1972 he did not see who was assaulting him. He also did not find B. D. Singh, Ramdhari Singh and Kedar Dubey in the mob and he never found them rowdy on any occasion in the colliery. He was cross-examined by Shri Joshi before me when this witness stated that his statement before the enquiry officer was not at variance with what he stated before me as W.W. 5.

5.6. Then there are lot of contradictions and inconsistencies in the statements of various P.W.s. as deposed by them before the Enquiry Officer. P.W. 1 is K. P. Kachha. He was

the first man to be assaulted and he says that he saw B. D. Singh, Paremeswar Chamar, Kedar Dubbey, Rasik Majhi, Dasarath Singh, Kadir Mia and Ramdhari Singh assaulting him. He further says that he saw in the motor van that was carrying him to the Central Hospital that D. L. Sharma (P.W. 2) had his head fractured. But Sharma in his statement does not say a word about it. K. P. Kachha further says that in the Central Hospital he came to know that P.W. 2, P.W. 8 and P.W. 10 were also assaulted by the mob. His this statement is inadmissible as it is based on hearsay. P.W. 2 (D. L. Sharma) does not say as to who else assaulted him except B. D. Singh. His statement is also not reliable as he has deposed before me in his examination-in-chief as W.W. 5 contrary to what he had said before the Enquiry Officer. P.W. 3 is J. C. Dhar, the Manager of the colliery. He saw only 20 to 25 men with sticks etc. He did not see any person carrying 'bhalla' and other weapons. Continuing his statement before the Enquiry Officer he states that he got a report after some-time that Sahi was assaulted. He also heard later on that the Group Personnel Officer, A. K. Chatterjee (P.W. 10) was also assaulted. His statement is, therefore, inadmissible because it was based on hearsay. P.W. 4 (R. P. Singh, Chapras) says that about 7.45 A.M. he saw 250 men with sticks and picks going to Pit No. 1. He further saw from his office that K. N. Pandey and K. P. Kachha, Overmen were taking lamps from the lamp room and at that time B. D. Singh assaulted K. N. Pandey. Ramdhari Singh, Kedar Dubey, Dasarath Singh, R. N. Upadhyay, Madan Muchi and Rasik Chamar also assaulted Pandey. He has further narrated in a running commentary on various events that took place and in which the mob assaulted K. P. Kachha S. N. Sahi, P. N. Singh, A. K. Chatterjee, the Police Incharge, D. L. Sharma, Ambika Singh and others. From the examination of various other statements of the P.W.s. it is clear that all these persons were allegedly assaulted at different places at different times. It is not understood as to how R. P. Singh (P.W. 4) could see all these happenings from one place simultaneously in all directions. Obviously this P.W. has narrated before the Enquiry Officer being fully tutored. The P.W.-5 (K.N. Pandey) says that he saw the mob at 7.30 A.M. on 8-2-1972 going towards the Pit No. 1. He further says that when B. D. Singh tried to assault him and others started beating him with sticks he also started wielding his own mining stick which was later on broken. When he fell down on the ground he heard that K. P. Kachha, S. N. Sahi, R. P. Singh, D. L. Sharma, A. K. Chatterjee, the S. I. of Police and Ambika Singh were also assaulted. His statement is clearly unbelievable as the assault did not, on any account, took place at one place and simultaneously all the persons were assaulted. P.W.-6 (Rameswar Singh) says that while going to Pit No. 1 he saw in the field that K. N. Pandey was assaulted, Sahi, the Personnel Officer, was lying on the ground and B. D. Singh told him to immediately go away and then assaulted him. Contradiction is there in his statement also. It is not understood as to how B. D. Singh could simultaneously advise him to run away and assault him. Then we have S. N. Sahi, the Personnel Officer (P.W.-7). He says that it was about 6.30 A.M. on 8-2-72 that R. N. Upadhyay, one of the accused along with B. D. Singh and other were shouting and he along with the Manager went to the Custodian's office and remained there. He is the only witness who says that the accused persons were carrying with them lathi, bhalla, picks, 'granshi' (a flat weapon with sharp blade attached to stick) and bricks. He saw who assaulted K. P. Kachha and when Ambika Singh the Assistant Manager was trying to pacify the crowd he too was assaulted. K. N. Pandey, the overman was also assaulted. But the P.W. 3, i.e., J. C. Dhar says that he was sitting in his room along with Sahi and Ambika Singh when B. D. Singh came and took Sahi down below. One the other hand Sahi in his statement says that at the instance of R. N. Upadhyay, Ram Prasad Singh and Bisram Singh caught hold of his hands and R. N. Upadhyay pushed him down from the back. Then B. D. Singh blew the whistle and simultaneously sticks started pouring on him. He did not see who was assaulting him. But he saw that Rameswar Singh was being assaulted by the aforesaid accused. It does not require much effort to find the contradiction here as it is full of inconsistencies. Ambika Singh the Ass'tt. Manager (P.W.-9) says that it was 8.30 A.M. on 8-2-72 when he saw the mob coming in three groups and B. D. Singh was in the front with his staff in his hand. He further says that after the mob started assaulting the people who were standing at the lamp room and in the meantime K. P. Kachha fell down in his front and Ramdhari Singh gave him a blow from stick. Then K. P. Kachha made a loud report which attracted his (Ambika Singh's)

attention. It is not understood as to how his attention could be attracted so late when K. P. Kachha had already fallen down in front of him. He then went to the Custodian Office where he saw the Manager and the Personnel Officer (P.W.3 and P. W. 7 respectively) were sitting. But Sahi the P. W.7 says that he saw every one being assaulted as if he was already in the field moving everywhere simultaneously witnessing the assault here and there. He further says that B. D. Singh, Bisram Singh and others came to him with an intention to assault. He (Ambika Singh) prayed them and was spared. He had also stated that, in the Jeep while going to the Hospital, he saw K. P. Kachha, K. N. Pandey and Sharma in a precarious condition K. P. Kachha, K. N. Pandey and Sharma have never said this in their statements.

5.7 The question is whether the statements of all these P.Ws can be relied upon or not in view of the aforesaid contradictions. The contradictions are also regarding the timing of the events that took place on 8-2-72 as also the chronology in the events. I have stated earlier that there was a mob violence and it is an undeniable fact that the mob which consisted of about 200 to 300 persons were very much exercised and indulged in rowdyism which resulted in the assault of various P.Ws. One thing strengthens out that nobody was sure as to who assaulted whom. Even Sahi (P.W7) has stated that he did not know who assaulted him and so have been stated by the P.W.8 and P.W.10. The statement of P.W. 2 is clearly unreliable and the P.W. 3 has not seen anybody being assaulted and he too was not assaulted. The P.W.3 is a very responsible officer being the Manager of the colliery and he has clearly stated that P.W.7 and P.W.9 were sitting along with him and remained in the Custodian Office the doors of which were closed. But the P.W.7 gives a running commentary of all the events as if he was seeing all these actions on a screen sitting in the room of the Custodian. All the above lead me to believe that although the assault was there in the mob-violence nobody could identify as to who actually assaulted whom except K. P. Kachha and K. N. Pandey and the entire story of brutal assault and the mob being armed with deadly weapons appear to be concocted. All the prosecution witnesses have stated that the workmen of the first shift were about to go to duty when they were asked by the leadership not to go down the mine but demanded explanation for the incident that took place on the previous day from the management personnel including the Custodian A. K. Chatterjee. It is, therefore, clear that there was no pre-planning and all the workmen had gone to the mine along with their sticks, shovels, baskets, picks and other implements that were provided by the management to facilitate work.

5.8 It is an established fact that when the management of Godhur colliery were under private hands the colliery official were indulging in various malpractices on which the workmen of the colliery were very much exercised and that the management's sponsored union, viz., Godhur Colliery Workers' Union, was not looking after the interest of the workmen of the colliery. This fact is fully corroborated by the written statement of the management wherein in item No. 5 the following have been recorded:—

"That while the colliery was in private hands, all sorts of practices, some of which were not desirable were in vogue. With the taking over naturally these were cured and which was not to the likings of persons particularly those who were bullying over others."

5.9 This gives credence to the argument of the workmen as made out by Shri Shankar Bose, Advocate. Unfortunately, this statement of the management is a sad commentary on the officers in whose hands the management of this colliery lay while it was privately managed. This supports the evidence given by B. D. Singh in his statement before the Enquiry Officer that it was S. N. Sahi and Ambika Singh, Personnel Officer and Asstt. Manager respectively (P.W.7 and P.W.9), who did not like the formation of the I.N.T.U.C. union in Godhur colliery and was looking after the interest of the management. This also gives an insight in to the fact that even after the nationalisation these officers did not reconcile although the B.C.C. Ltd., tried to cure all the malpractices which were flourishing in the Godhur colliery before its take over by the Govt. Then we have the statement of P.W. 1, i.e. Hardwar Singh who is the Branch Secretary of the Colliery Mazdoor Sangh (INTUC) in Godhur colliery. He

has deposed before me on 10-11-73 that it was the same S. N. Sahi who was previously working in North Damoda Keshergarh colliery as Personnel Officer and was responsible for the trouble in that colliery when Colliery Mazdoor Sangh had formed its unit there. There was a case under Section 107 Cr. P. C. in which Sahi had to execute bond of good behaviour before the court. Sahi in his deposition before me as M.W.3 has stated that he was there in North Damoda Keshergarh colliery upto 1965 and being transferred he came back to Godhur colliery and remained there till 1972. Sahi has also stated that there was trouble in the North Damoda Keshergarh colliery when the C.M.S. (INTUC) had formed its unit there and a case under Section 107 Cr. P.C. was initiated. It is, therefore quite clear that Sahi who felt humbled by the C.M.S. while at North Damoda Keshergarh colliery tried to avenge himself when he came to Godhur colliery where the unit of the INTUC came to be formed sometimes in 1970. Even after the take over there was labour unrest in Godhur colliery as also in other collieries of the B.C.C. Ltd., and all these have been confirmed by J. C. Dhar (M.W.1) in his deposition before me on 22-11-1973. M.W.1 (J. C. Dhar) has also confirmed that he was gheraoed by the members of the C.M.S. in November, 1971 because he did not attend the conciliation proceedings on the fixed date before the Assistant Labour Commissioner (Central), Dhanbad with regard to retrenchment of a number of workmen. Such demonstrations and gherao were not to the likings of the management even as the same adversely affected the service conditions of the workmen cannot be regarded as violence. It only gives an insight of the things that were happening when the officers of the Gadur colliery tried to suppress the workers. Here it would be pertinent to point out that the behaviour of S. N. Sahi (M.W.3), while he was in the box before me, was not proper and he always tried to deliver homilies on the other parties and also tried to criticise the defence lawyer. It was none of his business to state that all concerned should evolve way & means through which the three workmen concerned in this dispute could be reinstated. Was it that he was weighed down by his own guilt which pricked his conscience and he felt that all the three workmen, viz., B. D. Singh, Ramdhari Singh and Kedar Dubey who were wronged by him could even now spared?

6.1 Shri B. Joshi, Advocate of the management has stated in his argument that this is not a *de novo* trial before me in which all the accused as well as the prosecution witnesses should be examined. The proceedings before me should start with the examination of the enquiry report and the enquiry proceedings and all that I have to do is to find as to whether the enquiry was conducted in fair manner, principles of natural justice were observed, the findings of the Enquiry Officer was perverse or not and that the workmen concerned in this dispute have been rightly punished or not. Even so, the onus lay on the workmen to prove that they were not guilty. In agreeing with the above view I have examined the enquiry proceedings very carefully and I find that the principles of natural justice have not been violated by the enquiry officer or the management. The charge sheeted workers were given all opportunity to examine themselves as also to cross-examine the prosecution witnesses and produce their defence etc. All of the accused persons have not pleaded guilty and have also not cross-examined any of the management's witnesses before the enquiry officer. Regarding the other point of Shri Joshi as to whether the conclusion drawn by the enquiry officer was perverse or not I have to say that the enquiry officer appears to have jumped on the conclusion abruptly and has not given any reason or ground for it. He has simply summarised the statements given before him by various P.Ws and D.Ws and has opined that he found B. D. Singh, Ramdhari Singh and Kedar Dubey guilty of the charges of riotous and disorderly behaviour, causing damage to work in progress, forming organising and inciting unlawful assembly with deadly weapons, assaulting and causing injuries to several persons on 8-2-72. He has also found Parmeshwar Chamar, Rasik Maji, Kadir Mia, R. N. Upadhyay, Dasarath Singh, Chhokari Mahto & Madan Muchi guilty of charges of riotous and disorderly behaviour, forming unlawful assembly with weapons, assaulting and causing injuries to several persons on 8-2-72. He did not find sufficient evidences against the remaining 8 charge-sheeted workmen and as such he did not hold them guilty of the charges levelled against them. I have simply to refer to the various contradictions and circumstances that were narrated in the preceding paragraphs and have to say that

the conclusion drawn by the enquiry officer against the 3 workmen concerned in this dispute, viz., B. D. Singh, Ramdhari Singh & Kedar Dubey, was not at all in consonance with the facts and materials on the records before him. It is a common ground that 18 workmen have been charge-sheeted out of 64 identified by the management's personnel and of these 18, 3 have been dismissed, 7 have been punished with suspension of 10 days each and 8 have been exonerated of the charges levelled against them. It has been alleged that the crowd consisted of about 300 persons of whom only 64 were identified and of the 64 only 18 were charge-sheeted. It is not denied by anybody that there was mob gathering on 8-2-72 in Godhur colliery in which several persons came to be assaulted. I have already held that the finding of the enquiry officer was actually no conclusion and it was palpably perverse. Amidst so many inconsistencies and contradictions it should not have been possible for the enquiry officer to hold the 10 persons as named above guilty of various charges levelled against them. There is no evidence absolutely to show that the workmen forming the crowd were armed with deadly weapons and that the formation of the mob was pre-planned affair. It is clearly evident that all the workers were coming to the colliery pit for working in the mine and all of them had the necessary implement with them as were provided by the management to facilitate their working. Then again the charge-sheets to all the 18 workmen are identical and although the enquiry officer holds the 7 persons guilty of the charges levelled against them the management comes to excuse them with simple punishment of 10 days suspension. There is nothing on the record to show that these 7 persons had pleaded mercy before the management so as to warrant punishment of their 10 days suspension only. Then the question comes as to how these 3 persons were only selected for dismissal. We have already seen that these 3 persons were the office bearers of the C.M.S. (INTUC). I have also analysed the role played by S. N. Sahi, Personnel Officer, as well as Ambika Singh, Asstt. Manager. It is needless to point out again that these 2 officials had certain grudge against the C.M.S. and that they had embarked upon anti-labour practice when the management of Godhur colliery was in private hands. Even after nationalisation they could not forget their past and tried to fish in the troubled water. The Manager himself has stated that there was labour unrest in the collieries of B.C.C. Ltd., and it is still so now. Instead of pacifying the workmen who were aggrieved these 2 persons appear to have encouraged these workmen, of-course remotely and very cleverly, to accumulate their grievances which culminated in the incident that took place on 8-2-72.

6.2 In view of the foregoing I hold that the findings of the enquiry officer was perverse and that the dismissal of the 3 workmen was not justified. It is on record that the enquiry ended on 25-9-72 and the enquiry officer has submitted his report on 14-1-73, i.e., nearly after 4 months. The only explanation of the enquiry officer was that he was in the meantime transferred to Lodna where he had a lot of work to do. This argument sounds empty. The Enquiry Officer was given an important assignment where all the 18 workmen were suspended from the date of issue of the charge sheets, i.e., 21-2-72 and he knew fully well the importance of his work. There was no reason for him to delay the submission of enquiry report by so many months. This has naturally aroused suspicion in the mind of the defence and they have formed the opinion that the enquiry report was written and re-written of some high-ups in the management to suit their design. I would simply like to say here that to some extent this idea is inescapable that the enquiry officer was influenced. His enquiry report also supports this view where he has not given any reasoning or ground for the conclusion he has drawn.

6.3 In the light of the aforesaid discussions I answer the reference as under:

- The demand of the Colliery Mazdoor Sangh (INTUC), Rejendra Path, Dhanbad that B. D. Singh, Clerk, Ramdhari Singh, Mining Sirdar and Kedar Dubey, Trammer should be reinstated is justified.
- The natural relief, in the circumstances, that can be given to these workmen who were dismissed with effect from 9-4-1973, would be to pay them full wages and allowances which would have been payable to them had they not been dismissed from the date they were dismissed and I award it accordingly.

(c) Since there was a mob violence and assault on several persons on 8-2-1972 and that the 3 persons, viz., B. D. Singh, Ramdhari Singh and Kedar Dubey were all in the mob and they being the important officials of the Colliery Mazdoor Sangh can not naturally escape the blame. They, therefore, also be suspended for 10 days without wages as was done by the management in case of the 7 other workmen whose names have been mentioned above. I feel that the end of justice would be met by suspending these 3 workmen for 10 days without wages.

7. This is the Award I give.

J. N. Das, Arbitrator &
Regional Labour Commissioner (Central).

[No. L-2013 (1)/73-LRII]

S.O. 3632.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in a petition filed under Section 33A of the Industrial Disputes Act, 1947 by Shri Joti Mahato, Mazdoor, Coal Washing Plant Jamadoba of Jorapokhar Basti, Post Office Jamadoba, District Dhanbad, against the management of Tata Iron and Steel Company, Limited, Post Office Jamadoba, District Dhanbad which was received by the Central Government on the 5th December, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, (No. 2) AT DHANBAD

Present:

Shri K. K. Sarkar—Presiding Officer.

Complaint No. 13 of 1972

In the matter of a Complaint under S. 33A of the Industrial Disputes Act, 1947.

Parties:

Joti Mahato, Mazdoor, Coal Washing Plant, Jamadoba of Jorapokhar Basti, P. O. Jamadoba, District Dhanbad.

Complainant.

Vs.

Tata Iron & Steel Co., Ltd., P. O. Jamadoba, District Dhanbad.

Opp. Party.

Appearances :

On behalf of the complainant—None.

On behalf of the Opp. Party—None.

State : Bihar

Industry : Coal.

Dhanbad, 23rd November, 1973

AWARD

This is an application u/s 33A of the I.D. Act filed by Shri Joti Mahato, Mazdoor, Coal Washing Plant, Jamadoba.

The case of the complainant is that a Reference No. 9 of 1971 in respect of a dispute between the company and its workmen is pending for adjudication in this Tribunal and during the pendency of that proceeding the complainant has been dismissed from service by the opposite party with effect from 28-10-1970. The complainant is a workman concerned in the above reference. The opposite party has contravened S. 33 of the I. D. Act, 1947 as he has been dismissed without obtaining approval of the Tribunal u/s 33(2)(b) of the I.D. Act. It is alleged that there was no proper and impartial enquiry in respect of his dismissal. The opposite party in their written statement gives a complete denial to the complaint as filed by the workman.

The complainant did not appear and take any steps on successive occasions since 9-5-1973 when the complaint was

fixed for hearing. The last date fixed was 22-11-1973 and on this occasion none of the parties was present nor any steps taken by them. The absence of the parties and specially of the complainant on successive occasions who has to prove his case leads me to believe that the matter has been amicably settled between the parties out of Court. No dispute therefore exists any more. The complaint is therefore disposed of on a no-dispute award.

K. K. SARKAR, (Judge), Presiding Officer.

[No. Z-2025/24/73-LRII.]

New Delhi, the 19th December, 1973

S.O. 3633.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in petition filed under Section 33A of the Industrial Disputes Act, 1947 by Shri Bistu Mahato, Winding Engine Khalasi, Jorapokhar Basti, Post Office Jamadoba, District Dhanbad against the management of Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad which was received by the Central Government on the 5th December, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, (No. 2) AT DHANBAD

Present :

Shri K. K. Sarkar—Presiding Officer.

Complaint No. 10 of 1972

In the matter of a Complaint under S. 33A of the Industrial Disputes Act, 1947.

Parties:

Shri Bistu Mahato, Winding Engine Khalasi, Jorapokhar Basti, P. O. Jamadoba, District Dhanbad.
Complainant.

Vs.

Tata Iron & Steel Co. Ltd., P. O. Jamadoba, District Dhanbad.
Opp. Party.

Appearances :

On behalf of the complainant—None.
On behalf of the Opp. Party—None.

State : Bihar.

Industry : Coal.

Dhanbad, 23rd November, 1973

AWARD

This is an application u/s 33A of the I.D. Act filed by Shri Bistu Mahato, Winding Engine Khalasi.

The case of the complainant is that a Reference No. 14 of 1970 in respect of a dispute between the company and its workmen is pending for adjudication in this Tribunal and during the pendency of that proceeding the complainant has been dismissed from service by the opposite party with effect from 5-11-1970 by its letter dated 28-10-1970. The complainant is a workman concerned in the above reference. The opposite party has contravened S. 33 of the I. D. Act, 1947 as he has been dismissed without obtaining approval of the Tribunal u/s 33(2)(b) of the I.D. Act. It is alleged that there was no proper and impartial enquiry in respect of his dismissal. The opposite party in their written statement gives a complete denial to the complaint as filed by the workman.

The complainant did not appear and take any steps on successive occasions since 9-5-1973 when the complaint was fixed for hearing. The last date fixed was 22-11-1973 and on this occasion none of the parties was present nor any steps taken by them. The absence of the parties and specially of the complainant on successive occasions who has to prove his case leads me to believe that the matter has been amicably settled between the parties out of Court. No dispute

therefore exists any more. The complaint is therefore disposed of on a no-dispute award.

K. K. SARKAR, (Judge), Presiding Officer.

[No. Z-2025/22/73-LRII.]

S.O. 3634.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in petition filed under Section 33A of the Industrial Disputes Act, 1947, by Shri Jagoo Mahato, Winding Engine Khalasi, Jorapokhar Basti, Post Office Jamadoba, District Dhanbad, against the management of Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad, which was received by the Central Government on the 5th December, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, (No. 2) DHANBAD

Present :

Shri K. K. Sarkar—Presiding Officer.

Complaint No. 11 of 1972

In the matter of a complaint under S. 33A of the Industrial Disputes Act, 1947.

Parties :

Shri Jagoo Mahato, Winding Engine Khalasi, Jorapokhar Basti, P. O. Jamadoba, District Dhanbad.

Complainant.

Vs.

Tata Iron & Steel Co. Ltd., P. O. Jamadoba, District Dhanbad.

Opp. Party.

Appearances :

On behalf of the complainant—None.

On behalf of the Opposite Party—None.

State : Bihar.

Industry : Coal.

Dhanbad, 23rd November, 1973

AWARD

This is an application u/s 33A of the I.D. Act filed by Shri Jagoo Mahato, Winding Engine Khalasi.

The case of the complainant is that a Reference No. 14 of 1970 in respect of a dispute between the company and its workmen is pending for adjudication in this Tribunal and during the pendency of that proceeding the complainant has been dismissed from service by the opposite party with effect from 20-11-1971 by its letter dated 13-9-1971. The complainant is a workman concerned in the above reference. The opposite party has contravened S. 33 of the I.D. Act 1947 as he has been dismissed without obtaining approval of the Tribunal u/s 33(2)(b) of the I.D. Act. It is alleged that there was no proper and impartial enquiry in respect of his dismissal. The opposite party in their written statement gives a complete denial to the complaint as filed by the workman.

The complainant did not appear and take any steps on successive occasions since 9-5-1973 when the complainant was fixed for hearing. The last date fixed was 22-11-1973 and on this occasion none of the parties was present nor any steps taken by them. The absence of the parties and specially of the complainant on successive occasions who has to prove his case leads me to believe that the matter has been amicably settled between the parties out of Court. No dispute therefore exists any more. The complaint is therefore disposed of on a no-dispute award.

K. K. SARKAR, (Judge), Presiding Officer.

[No. Z-2025/23/73-LRII.]

KARNAIL SINGH, Dy. Secy.

(i) Specific matters in dispute—"Whether the action of the management of the Punjab State Co-operative Land Mortgage Bank Ltd., Chandigarh in terminating the services of Shri Manohar Lal with effect from the 20th October, 1972 is legal and justified? If not to what relief is he entitled?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertakings involved.
Shri Manohar Lal, P.O. Banga, District Jullundur.

The Punjab State Co-operative Land Mortgage Bank Ltd. Sector-17, Chandigarh.

(iii) Name of the union, if any representing the workman in question.
-NIL-

(iv) Total number of workmen employed in the undertaking affected .
16 approximately

(v) Estimated number of workmen affected or likely to be affected by the dispute.
1

(We further agree that the decision of the arbitration shall be binding on us).

This arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Sd/- Pritam Singh
Representing employer.

Sd/- Manohar Lal
Representing Workmen

Witnesses:-

1. Sd/- Mrs. Kiran Manchanda.
2. Sd/- P.S. Rana.

[No. L. 12012/123/73/LRIII]

नई दिल्ली, 15 दिसम्बर, 1973

का. आ. 3636.—यतः मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 15 की उपधारा (1) के अधीन कर्तिपय आवेदन प्राधिकारी, अर्थात् आँखोंगिक विवाद अधिनियम, 1947 (1947 का 14) के अधीन गठित केन्द्रीय सरकार आँखोंगिक अधिकरण (सं. 2), धनवाद, के समक्ष सम्बित हैं,

और यतः उक्त प्राधिकारी की सेवाएं उपलब्ध नहीं हैं;

अतः, अब, मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पर्याप्त धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त आवेदनों को, बिहार राज्य के धनवाद जिते के लिए भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधीसूचना सं. का. आ. 2565, तारीख 13 अक्टूबर, 1960 के अन्तर्गत नियुक्त प्राधिकारी को उस क्षेत्र में या खानों में नियोजित या संदत्त व्यक्तियों की मजदूरी से कटाईयों या मजदूरी के संदाय में विलम्ब सभी चावों को, जिनमें एसे दावों से आनुषांगिक सभी मामले भी समिलित हैं, सुनने और विनिश्चय करने के लिए आश्रित करती हैं

[सं. प्र. 31012/9/72/एल. आर. 3]

के. एम. त्रिपाठी, अवर सचिव

New Delhi, the 15th December, 1973

S.O. 3636.—Whereas certain applications under sub-section (1) of section 15 of the Payment of Wages Act, 1936 (4 of 1936) are pending before the authority, namely, the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under the Industrial Disputes Act, 1947 (14 of 1947);

And whereas the services of the said authority have ceased to be available;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 15, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby allocates the said applications to the authority appointed under the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2565, dated the 13th October, 1960, for the district of Dhanbad in the State of Bihar, to hear and decide all claims arising out of deductions from the wages, or delay in the payment of wages, of persons employed or paid in that area including all matters incidental to such claims in railways or mines.

[No. S. 31012/9/72/LRIII]

K. M. TRIPATHI, Under Secy.

अम और रोजगार विभाग

नई दिल्ली, 18 दिसम्बर, 1973

का. आ. 3637.—लौह प्रयस्क खान श्रमिक कल्याण उपकरण अधिनियम, 1961 (1961 का 58) की धारा 7 के अनुसार में केन्द्रीय सरकार 31 मार्च, 1973 को समाप्त हुए वित्तीय वर्ष के दौरान उक्त अधिनियम के अधीन उसके किया-कलापों की निम्नलिखित रिपोर्ट उस वर्ष के लेखा-विवरण सहित प्रकाशित करती है।

भाग—1

साधारण—इस अधिनियम में लौह प्रयस्क खनन उद्योग में नियोजित श्रमिकों के कल्याण को बढ़ावा देने वाले किया-कलापों को विस्तृप्ति करने के लिये किसी भी खान में उत्पादित लौह प्रयस्क के प्रति मीटरी टन पर 50 पैसे से अनधिक दर पर उपकर उद्घरण और संग्रहण का उपबन्ध किया गया है। उद्ग्रहण की अंतमान दर 25 पैसे प्रति मीटरी टन है। इस अधिनियम का प्रथमतम पहली अक्टूबर, 1963 से किया गया था और इसे गोआ, बमण और दीन के संघ-राज्य क्षेत्र पर पहली अक्टूबर, 1964 से लागू किया गया था। अधिनियम में लौह प्रयस्क खान श्रमिक कल्याण उपकर (संशोधन) अधिनियम, 1970 द्वारा संशोधन किया गया है। संशोधन अधिनियम के प्रवर्तित हो जाने के साथ, प्रमुख अधिनियम अम्म और काश्मीर राज्य पर भी लागू हो जायेगा। 1970 के अधिनियम द्वारा उपकर के संग्रहण की अंतमान प्रक्रिया में परिवर्तन करने का उपबन्ध किया गया है। किसी भी खान में उत्पादित सारे लौह प्रयस्क पर उत्पादन करने वाली खानों, द्वारा संदत वर्तमान उद्घरण के स्थान पर, जहां लौह प्रयस्क का निर्धारित किया जाता है, वहां उपकर का उद्घरण सीमा-शुल्क के रूप में और जहां लौह प्रयस्क का उपभोग देश के अन्दर ही होता है, वहां उसका उद्घरण उत्पाद-शुल्क के रूप में किया जायेगा। संशोधन अधिनियम के प्रवृत्त होने पर यथाकार्य पुनरीक्षित प्रक्रिया प्रभावी हो जायेगी।

2. अधिनियम के अधीन जिन कल्याण सम्बन्धी क्रियाकलापों के लिये उपकर के आगमों का उपयोग किया जाना है, वे सार्वजनिक स्वास्थ्य और सफाई में सुधार, रोगों की रोक-धार, और चिकित्सा सम्बन्धी मुविधाओं की व्यवस्था, पीने के पानी की सप्लाई और धुलाई की सुधिधाओं, याक्षा सम्बन्धी मुविधाओं की व्यवस्था, जीवन के स्तरों में सुधार, जिनमें आवास और आहार-युक्त शामिल हैं, सामाजिक दशाओं में सुधार, मनोरंजन सम्बन्धी भुविधाओं की व्यवस्था और कार्य-स्थान पर ने जाने और वहां से वापस जाने के लिये परिवहन की व्यवस्था से सम्बन्धित है।

3. 16 जनवरी, 1969 की गोपनीय दूसरी बैठक में केन्द्रीय सलाहकार बोर्ड द्वारा की गई सिफारिश के अनुसार 12 फरवरी, 1969 को लौह अयस्क खनन क्षेत्रों में कियान्वयन के लिये उपयुक्त आदर्शरूप स्कीमों के लिये सिफारिश करते के लिये आदर्शरूप स्कीम के विकास के लिये एक संगठित फा गठन किया गया था। समिति ने कुछ मिलाकर 18 स्कीमों के लिये सिफारिश की जिसमें 4 आवास के लिये, 2 जल प्रदाय के लिये, 5 स्वास्थ्य सम्बन्धी सुविधाओं तथा 7 प्रकीर्ण (भौमिक मनोरंजन इत्यादि) के थाएँ थीं। इन में से 15 स्कीमों को सरकार ने अनुमोदित किया, 2 को छोड़ दिया गया है और एक विचाराधीन है।

4. अभी तक आंध्र प्रदेश, बिहार, मध्य प्रदेश, महाराष्ट्र, मैसूर, उड़ीसा राज्यों तथा गोप्ता, दमन और दीव के संघ राज्य-क्षेत्र में निम्न-लिखित कल्याण के अध्युपाय हाथ में लिये गये हैं :—

(i) चिकित्सा सम्बन्धी सुविधाएँ :—दी गई चिकित्सा सुविधाओं में बिहार क्षेत्र के बाराजाम्बा में एक आपात अस्पताल और एक चल औषधालय, उड़ीसा क्षेत्र के जोड़ा और जली में दो प्राथमिक स्वास्थ्य केन्द्र, महाराष्ट्र क्षेत्र के रेडी में एक प्राथमिक स्वास्थ्य केन्द्र तथा एक चल चिकित्सा यूनिट, मध्य प्रदेश क्षेत्र के राजहारा और बैलाडिला खानों के लिये दो चल चिकित्सा यूनिट, मैसूर के बैलारी और हासपेट हूँ में दो चल औषधालय और गोप्ता क्षेत्र में एक चल औषधालय शामिल है। इसके अतिरिक्त आनंद प्रदेश क्षेत्र के लिये एक चल चिकित्सा यूनिट और उड़ीसा क्षेत्र के लिये एक ऐंबुलेंस गाड़ी प्रोर गोप्ता क्षेत्र के लिये दो ऐंबुलेंस गाड़ियां मंजूर की गई थीं। एक ऐंबुलेंस-एवं-चल चिकित्सालय गाड़ी मध्य प्रदेश के बैलाडिला आयरन और प्राजेंट में काम करते वाले लौह अयस्क खनिकों और उनके कुटुम्बों के फायदे के लिये राज्यीय खनिज विकास निगम को दे दी गई थी। दो और चल चिकित्सा यूनिट, एक राजहारा क्षेत्र के लिये तथा एक बैलाडिला क्षेत्र के लिये मंजूर की गई है। सरकार ने मैसूर क्षेत्र के कारिंगानूर में 25 पलंगों वाले एक केन्द्रीय अस्पताल, बिहार के बाराजाम्बा में 50 पलंगों वाले केन्द्रीय अस्पताल, गोप्ता क्षेत्र के पिल्लीम दरबान डोरा में 20 पलंगों वाले केन्द्रीय अस्पताल के लिये भी मंजूरी दी है। रेडी (महाराष्ट्र) में आपात रोगियों के लिये अन्तर्गत सुविधाओं की व्यवस्था के लिये 5 सम्प्रेक्षण पलंगों की मंजूरी दी गई है। ऐसी आशा है कि गोप्ता में अस्पताल तथा स्टाफ बबाटर इस वर्ष के दौरान पूरे हो जायेंगे। मैसूर के हास्पेट क्षेत्र में अस्पताल का निर्माण पहले से ही हाथ में लिया जा चुका है। सरकार ने बिहार में बाराजाम्बा क्षेत्र के लिये 50 पलंगों वाले अस्पताल की भी मंजूरी दी है और उड़ीसा में, जोरा में दूसरे अस्पताल को बनाने का भी निषेच किया है। जैसे ही बाराजाम्बा में 50 पलंगों वाला अस्पताल बन जाता है और कार्य करना प्रारम्भ करता है वैसे ही वर्तमान आपात अस्पताल का इस अस्पताल में विलय हो जायेगा।

5. ऐसे लौह अयस्क खनिकों और उनके कुटुम्बों के अन्यथ उपयोग के लिये, जो तपेदिक से ग्रस्त हैं और जिनके लिये आरोग्य-गृह में हलाज आवश्यक है, पलंगों के आरक्षण की सुविधाओं को जारी रखा गया था। महाराष्ट्रीय विरला आरोग्य-गृह, रांची में बिहार क्षेत्र के खनिकों के लिये 45 पलंग प्रोर उड़ीसा क्षेत्र के खनिकों के लिये 11 पलंग, आरक्षण किये गये हैं। हिन्दुस्तान स्टील लिमिटेड के जिलाई स्थित मुख्य अस्पताल में मध्य प्रदेश क्षेत्र के खनिकों के लिये दो पलंग आरक्षण किये गये हैं। तपेदिक आरोग्य-गृह, बेंगलुरु में जिसमें महाराष्ट्र के लिये भी दो पलंग आरक्षण

किये गये हैं गोप्ता के लौह अयस्क खनिकों के लिये 5 पलंगों का आरक्षण जारी रखा गया है। गोप्ता के दो सोफ अस्पतालों में सामन कर्मकारों के लिये 15 सामान्य पलंग भी आरक्षण किय गये हैं। बिहार में कोइ-इस्ट रोगियों तथा मानसिक रोगों से वीड़ित कर्मकारों के हलाज के लिये भी प्रबंधों को जारी रखा गया था।

6. गोप्ता, मध्य प्रदेश, मैसूर और उड़ीसा के बान स्थानियों को, जिन्हें लौह अयस्क खनिकों के फायदे के लिये संतोषजनक औषधालय सेवाओं को बनाय रखा, सहायता अनुदान दिये गये। उड़ीसा में बोलापी और लिमिटेड को उनके हारा चलाय जाने वाले अस्पताल में एक्सरे यनिट को लगाने के लिये सहायता अनुदान का संदाय करने के लिये 50,000 रुपये की राशि मंजर की गई थी। बिहार में नोमार्डी स्थित टाटा अस्पताल में तथा करीबुक स्थित एन०एम०डी०सी० अस्पताल में विषयातीय उास्कर के लिये 83,610 रुपये के अनुदान दिये गये। मध्य प्रदेश के बलाडिला ब्रह्मानाल के लिय विषय उपस्कर के लिये 54,632 रुपये की राशि मंजूर की गई थी।

(ii) शिक्षा प्रीर मनोरंजन सम्बन्धी सुविधायें :—कर्मकारों को दी गई शिक्षा तथा मनोरंजन सम्बन्धी सुविधाओं में घुरुदेशीय संस्थानों, कल्याण केन्द्रों, अवकाश गृहों इत्यादि का उपयोग जाना भी शान्ति है। व्योर नीचे दिये गये हैं :—

- (क) बहुदेशीय संस्थान-36 (उड़ीसा में 31, गोप्ता में 2, मध्य प्रदेश में 1, मैसूर में 1 और महाराष्ट्र में 1)
- (ख) कल्याण केन्द्र—उड़ीसा क्षेत्र में 1।
- (ग) महिला-एवं-बाल-कल्याण केन्द्र—बिहार क्षेत्र में 6
- (घ) चलचित्र यूनिट 5—(उड़ीसा में 1, गोप्ता में 1, मध्य प्रदेश में 2 और मैसूर में 1)
- (ज) अवकाश-गृह 2 (उड़ीसा में 1 और गोप्ता में 1)
- (च) रेडियो केन्द्र—129 (बहुदेशीय संस्थानों से सम्बद्ध उड़ीसा में 30, मैसूर में 44 मध्य प्रदेश में 17, बिहार में 7, गोप्ता में 26 और महाराष्ट्र में 5)

बिहार क्षेत्र के लिये मंजूर किये गये एक चल तिनेमा यूनिट और उड़ीसा क्षेत्र के लिये एक अतिरिक्त सिनेमा यनिट को अभी कार्य प्रारम्भ करना है। महाराष्ट्र क्षेत्र के लिये दिये गये अश्व वृक्ष सेट ने कार्य करना प्रारम्भ कर दिया था। बच्चों को दी जाने वाली आत्मवृत्तियां जारी रखी गयी थीं। गोप्ता, उड़ीसा और मध्य प्रदेश क्षेत्रों में मध्यवृत्त भोजन स्कीम जारी रखी गई थीं।

(iii) धोने के पानी की सुविधायें—विभिन्न क्षेत्रों में जल प्रदाय स्कीमों की बाबत स्थिति नीचे दी गई है।

मध्य प्रदेश—1971-72 के दौरान मंजूर किये गये राजहारा कस्तव में जल प्रदाय स्कीम के निष्पादन के लिये 50,000 रुपये के प्रारम्भिक व्यय की प्रतिपूर्ति खाल प्रबन्ध की की गयी थी। 50,000 रुपये की अतिशेष राशि स्कीम के संतोषप्रद रूप में निष्पादित होने के पश्चात वर्तमान वर्ष के दौरान संदर्भ की जायेगी।

गोप्ता—6 जल प्रदाय स्कीमों में से, जो कि इस क्षेत्र के लिये मंजूर की गई है, 3 स्कीमें पूरी की गयी हैं और 4 निर्माणाधीन हैं।

मंजूर किये गये 4 कुंओं में से 3 पूरे किये गये हैं और एक निर्माणाधीन है।

महाराष्ट्र—पाइप लाइन विछाने, तुंगों में नल लगाने की और जलागार तालाब इत्यादि के निर्माण के लिये ऐसी दो जल प्रदाय स्कीमों को अनुमोदित किया गया है जिसमें 13,574 ह० का व्यय होना है। काम के 31 मार्च, 1973 से पूर्व पूरा होने की आशा की जाती है।

मैसूर—कुट्टीों की शोरिंग करवाने के लिये तथा हास्पेट थेट्र की अधिक बस्ती में पाइप लाइन के माध्यम से जल प्रदाय विस्तारित करने के लिये एक स्कीम पूरी की गई थी जिसमें 13,500 रुपये का व्यय होना है।

उड़ीसा—58,500 रुपये की राशि जारी के लौह अयस्क खनन के लौह अयस्क खनन कर्मकारों तथा उनके कुट्टीों के फायदे के लिये जल प्रदाय स्कीम को विस्तारित करने के लिये मूजर की गई थी। दूसरी दो बड़ी जल प्रदाय स्कीमों, अर्थात् बाराबिल अधिष्ठित थेट्र समिति द्वारा तैयार की गई बोलानी जल प्रदाय स्कीम, पर स्वास्थ्य विभाग की स्वीकृत होना चाहीए है।

बिहार—अभी तक लौह अयस्क खनन थेट्रों में लौह अयस्क अधिकारों तथा उनके कुट्टीों के पीने के पानी की सप्लाई के लिये 8 कुण्डे खोदे गये हैं। 5 बड़ी जल प्रदाय स्कीमों जिन की सांगत 2 लाख से ऊपर है राज्य लोक स्वास्थ्य इन्डीनियरी विभाग की आवाजों के अधीन हैं।

(iv) **आवास—आवास की प्रगति निम्न प्रकार है :—**

आंध्र प्रदेश—गत वर्ष नई आवास स्कीम के अधीन मंजूर किये गये 6 आवासों का निर्माण पूरा हो चुका है। नई आवास स्कीम के अधीन अतिरिक्त 18 आवासों का निर्माण प्रगति में है।

उड़ीसा—1,179 आवासों में से, जो अभी तक इस थेट्र के लिये मंजूर किये गये हैं, 540 आवास पूरे किये गये हैं और 449 आवास निर्माणाधीन हैं।

मैसूर—अभी तक मंजूर किये गये 857 आवासों में से 415 आवास पूरे किये गये हैं और 206 आवास निर्माण की विभिन्न अवस्थाओं में हैं।

मध्य प्रदेश—बेलाडिला खनन थेट्र के लिये अभी तक मंजूर किये गये 1,276 आवासों में से 976 आवास पूरे किये गये हैं और शेष 300 आवासों के निर्माण का कार्य खान स्वायियों को अभी हाथ में लेना है। इसी प्रकार रझा खनन थेट्र के लिये अभी सक मंजूर किये गये 2,260 आवासों में से 460 आवास पूरे किये गये हैं और 840 आवास निर्माण की विभिन्न अवस्थाओं में हैं।

महाराष्ट्र—कम लागत आवास स्कीम के अधीन मंजूर किये गये 18 आवासों में से 13 आवास पूरे किये गये हैं। 1972-73 के दौरान कम लागत आवास स्कीम के अधीन 24 आवासों के निर्माण के लिये मंजूरी दी गई है।

बिहार—अभी तक मंजूर किये गये 1,292 आवासों में से 777 आवास पूरे किये गये हैं और 287 आवास निर्माणाधीन हैं।

गोप्रा—अभी तक मंजूर किये गये 703 आवासों में से 173 आवास अभी तक पूरे किये गये हैं। और 307 आवास निर्माण की विभिन्न अवस्थाओं में हैं।

(5) **सहकारी भंडार—**बिहार जब में 4 प्रारम्भिक भंडारों के सहित एक केंद्रीय उपभोक्ता सहकारी भंडार और गोप्रा थेट्र में 2 प्रारम्भिक भंडार चल रहे हैं।

(6) **धातक और गंभीर दुर्घटना प्रसुविधा स्कीम—**दुर्घटनाओं के शिकार हुए अविक्तयों की विधवाओं और अछों को आर्थिक प्रसुविधायें देने की प्रणाली जारी रही।

(v) **केंद्रीय सलाहकार बोर्ड की छठी बैठक में निम्नलिखित महत्वपूर्ण निर्णय लिये।**

(i) विभिन्न आवास स्कीमों का पूर्तिविलोकन न करने और उसमें गर्व-वर्तनों और सुधारों के लिये सुधार देने के लिये बोर्ड की उपसमिति की नियुक्ति।

(ii) अधिनियम को उपकर के संदाय में अतिक्रम करने वालों पर जास्ति के उपबन्ध करने के लिये संशोधित करना चाहिये।

भाग II

वर्ष 1972-73 का लेखा-विवरण

व्यय	व्यय
रु० में	रु० में
पर्याप्ति ग्रन्ति, 1972 को	3,25,85,024
अर्थशेष	—
वर्ष के दौरान व्यय	94,38,000
वर्ष के दौरान व्यय	—
	81,42,000 कल्याण
	3,000 अध्युपाय
	उचार
	—
वोग—	81,45,000

31 मार्च 1973 को भंत

अतिरिक्त	3,38,78,024
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भाग III

वर्ष 1973-74 के लिए व्यय

व्यय का प्राक्कलन	—
प्राक्कलित व्यय	92,27,000
प्राक्कलित व्यय	1,07,91,000 कल्याण
	6,77,000 अध्युपाय उचार
वोग—	1,14,08,000

[सं० जैब/16016/2/73-एम० अर्द० वी]

वी० के० सक्सेना, अवर सचिव

New Delhi, the 18th December, 1973

S.O. 3637.—In pursuance of section 7 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), the Central Government hereby publishes the following report of its activities under the said Act, during the financial year ended on the 31st March, 1973, together with a statement of accounts for that year,

PART—I

General—The Act provides for the levy and collection of a cess at a rate not exceeding 50 paise per metric tonne of iron ore produced in any mine for the financing of activities to promote the welfare of labour employed in the iron ore mining industry. The present rate of levy is 25 paise per metric tonne. The Act was enforced with effect from the 1st October, 1963, and was extended to the Union territory of Goa, Daman and Diu with effect from 1st October, 1964. The Act has been amended by the Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1970. With the enforcement of the amended Act, the principal Act, will also extend to the State of Jammu and Kashmir. The 1970 Act provides for a change in the existing procedure of collection of cess. Instead of the present levy on all iron ore produced in any mine and paid by the producing mines, the cess will be levied as a duty of customs where the iron ore is exported and as a duty of excise where the iron ore is consumed within the country. The revised procedure will be given effect to as soon as the Amendment Act is brought into force.

2. The Welfare activities for which the proceeds of cess are to be utilised under the Act relate to improvement of public health and sanitation, prevention of disease and provision of medical facilities, drinking water supply and facilities for washing, provision of educational facilities, improvement of standards of living including housing and nutrition, amelioration of social conditions, provision of

recreational facilities and provision of transport to and from place of work.

As recommended by the Central Advisory Board at its second meeting held on January 16, 1969, a Committee for Development of Prototype Scheme was constituted on the February 12, 1969 to recommend Prototype Schemes suitable for implementation in the iron ore mining areas. The Committee recommended in all 18 schemes, 4 for Housing 2 for Water supply, 5 for Health Facilities and 7 Miscellaneous (educational, recreation etc.). Of these, 15 Schemes were approved by Government, two have been dropped and one is under consideration.

4. The following welfare measures have so far been undertaken in the states of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Mysore, Orissa and the Union Territory of Goa, Daman and Diu.

(i) Medical Facilities.—The medical facilities provided include an Emergency Hospital and a mobile dispensary at Barajamda in Bihar region; two Primary Health Centres at Joda and Joruri in the Orissa region; one Primary Health Centre and one mobile medical unit at Redi in Maharashtra region, two mobile medical units for Rajhara and Bailadila mines in Madhya Pradesh region, two mobile dispensaries at Bellary and Hospet in Mysore region and one mobile dispensary in Goa region. In addition, one mobile medical unit for Andhra Pradesh region, one ambulance van for Orissa region, and two ambulance vans for Goa region were sanctioned. An ambulance-cum-Mobile Medical Dispensary van was placed at the disposal of the National Mineral Development Corporation for the benefit of iron ore miners and their families working Bailadila Iron Ore Project in Madhya Pradesh. Two more Mobile Medical Units one each for Rajhara and Bailadila regions have been sanctioned. The Government have also sanctioned construction of a 25 bedded Central Hospital at Kariganur in Mysore region, a 50 bedded Central Hospital at Barajamda in Bihar and a 20 bedded Central Hospital at Pillem Darbandora in Goa region. In Redi (Maharashtra) five observations beds have been sanctioned for providing indoor facilities in emergency cases. The hospital and the staff quarters at Goa are expected to be completed during this year. The construction of Hospital in Hospet region of Mysore has already been taken up. The Government has also sanctioned a 50 bedded hospital for Barajamda area in Bihar and have also decided to set up another hospital in Joda in Orissa. As soon as the 50 bedded hospital at Barajamda comes up and starts functioning, the existing Emergency Hospital will be merged in this hospital.

Facilities for the reservation of beds for the exclusive use of iron ore miners and their families suffering from T.B. and requiring treatment in sanatorium were continued. 45 Beds for miners in Bihar region and 11 beds for miners in Orissa region have been reserved in the Mahadevi Birla Sanatorium, Ranchi. Two beds have been reserved in the Bhilai Main Hospital of the Hindustan Steel Limited for miners in Madhya Pradesh region. In Goa, 5 beds continued to be reserved for iron ore miners in the T.B. Sanatorium, Vengurla which also has 2 beds reserved for Maharashtra. 15 general beds have also been reserved in the 2 public hospital in Goa for the benefit of the mine workers. Arrangements for the treatment of Leprosy patients and workers suffering from mental diseases were also continued in Bihar.

Grant-in-aid were given to mine owners in Goa, Madhya Pradesh, Mysore and Orissa region who maintained satisfactory dispensary services for the benefit of iron ore mines. In Orissa, an amount of Rs. 50,000/- was sanctioned for payment of grant-in-aid to Bolani Ores Ltd. for the installation of an X-Ray Unit in the hospital maintained by them. In Bihar grants amounting to Rs. 83,640/- were given for specialised equipments in Tata's hospital at Noamundi and NMDC hospital at Kiriburu. In Madhya Pradesh an amount of Rs. 54,632/- was sanctioned for Bailadila Hospital for special equipment.

(ii) Education and Recreational Facilities:—Educational and recreational facilities provided to the workers included the running of multi-purpose Institutes, Welfare Centres, Holiday Homes, etc. The details are given below:—

(a) Multi-purpose Institutes—36 (31 in Orissa, 2 in Goa, 1 in Madhya Pradesh, 1 in Mysore and 1 in Maharashtra).

- (b) Welfare Centres—1 in Orissa region.
- (c) Women-cum-children Welfare Centres—6 in Bihar region.
- (d) Cinema Units—5 (1 in Orissa, 1 in Goa, 2 in Madhya Pradesh and 1 in Mysore).
- (e) Holiday Homes—2 (1 in Orissa and 1 in Goa).
- (f) Radio Centres—129 (30 in Orissa attached to Multi Purpose Institutes, 44 in Mysore, 17 in Madhya Pradesh, 7 in Bihar, 26 in Goa and 5 in Maharashtra).

The Mobile cinema unit sanctioned for Bihar region and one additional cinema unit sanctioned for Bihar region and start functioning. The audio visual set for Maharashtra region had started functioning. Scholarships were continued to be given to the children. The Mid-day Meals Scheme was continued in Goa, Orissa and Madhya Pradesh regions.

(iii) Drinking Water Facilities:—The position regarding water supply schemes in various region is given below:—

Madhya Pradesh—The initial expenditure of Rs. 50,000/- for execution of the water supply scheme in Rajahara Township sanctioned during 1971-72 was reimbursed to the Mine Management. The balance amount of Rs. 50,000/- will be paid during the current year after the scheme is satisfactorily executed.

Goa.—Out of 6 water schemes which have been sanctioned in this region, 3 schemes have been completed and 4 are under construction. Out of the 4 wells sanctioned 3 have been completed and 1 is under construction.

Maharashtra.—Two water supply schemes for laying of pipe line, installation of pump at the well and construction of reservoir tank etc. involving an expenditure of Rs. 13,574/- were approved. The work is expected to be completed before March 31, 1973.

Mysore.—A scheme for the sinking of a bore well and extending water supply by means of pipe lines to the labour colony in Hospet area involving an expenditure of Rs. 13,500/- was completed.

Orissa.—An amount of Rs. 58,500/- was sanctioned for implementing water supply scheme for the benefit of the Iron ore mines workers and their families at Jajang iron ore mine. Another two major water supply schemes namely Bolani Water Supply Scheme prepared by the Barbil Notified Area Committee are awaiting clearance by the Department of Health.

Bihar.—So far 8 wells have been sunk in the iron ore mining areas for supplying drinking water to the iron ore miners and their families. 5 major water supply schemes, costing more than Rs. 2 lakhs, are under scrutiny of the State Public Health Engineering Department.

(iv) The progress of housing was as under:—

Andhra Pradesh.—The construction of 6 houses under New Housing Scheme sanctioned last year has been completed. The construction of additional 18 houses under the New Housing Scheme is in progress.

Orissa.—Out of 1,179 houses which have so far been sanctioned in this region, 540 houses have been completed and 449 houses are under construction.

Mysore.—Out of 857 houses so far sanctioned 415 houses have been completed and 206 houses are in the various stages of construction.

Madhya Pradesh.—Out of 1276 houses so far sanctioned for Bailadila mining area, 976 houses have been completed and the construction of remaining 300 houses is yet to be taken up by the mine owners. Similarly out of 2260 houses so far sanctioned for Rajhara mining area 460 houses have

been completed and 840 houses are under different stages of construction.

Maharashtra.—Out of 18 houses sanctioned under the Low Cost Housing Scheme, 13 houses have been completed. Sanctioned was also accorded to the construction of 24 houses under the Low Cost Housing Scheme during 1972-73.

Bihar.—Out of 1292 houses so far sanctioned, 777 houses have been completed and 287 houses under construction.

Goa.—Out of 703 houses so far sanctioned 173 houses have so far been completed and 307 houses are in the various stages of construction.

(v) **Co-operative Stores.**—One Central Consumer-Co-operative with four primary stores in Bihar region and 2 Primary stores in Goa region continued to function.

(vi) **Fatal and Serious Accident Benefit Scheme.**—The system of financial benefits to the widows and children of victims of accidents was continued.

5. The following important decisions were taken at the sixth Meeting of the Central Advisory Board:—

- (i) Appointment of a sub-committee of the Board to review the various housing schemes and to suggest alterations or improvements.
- (ii) The Act should be amended to provide for levy of penalty on defaulters in the payment of cess.

PART II

Statement of Accounts for the year 1972-73

	Receipts (in Rs.)	Expenditure (in Rs.)
Opening balance on 1st April, 1972	3,25,85,024	
Receipt during the year	94,38,000	
Expenditure during the Year	—	81,42,000 } Welfare measures
		3,000 } Loan
Total :—		81,45,000
Closing balance as on 31st March, 1973.	3,38,78,024	

PART III

Estimates of Receipts and Expenditure for the year 1973-74

Estimated Receipts	—	92,27,000
Estimated Expenditure	—	1,07,91,000
		Welfare measure
		6,77,000 } Loan
Total	—	1,14,68,000

[No. Z-16016/2/73-M.IV.]

B. K. SAKSENA, Under Secy.

आवेदन

नह्यै विवरणी, 15 दिसम्बर, 1973

फा. आ. 3438.—यतः मद्रास पत्तन निकासी तथा अधिक्रेषण अभिकर्त्ता एसोसिएशन, मद्रास के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कमिकार्डों के बीच विद्युत्यमान ऑफ्यारिंग विवाद को श्रम और पुनर्वास मन्त्रालय (श्रम और रोजगार विभाग) के आदेश संख्या सा. का. 2906, दिनांक 22 सितम्बर, 1973 द्वारा ऑफ्यारिंग अधिकरण, मद्रास को नियंत्रित किया गया था;

और यतः केन्द्रीय सरकार की यह राय है कि उक्त विवाद इस प्रकार का है कि हमरो उपायकार्ता अनुसूची गे विनिर्दिष्ट प्रतिष्ठानों का उस विवाद में रोध लेना या उससे प्रभावित होना संभाव्य है,

अतः अब, ऑफ्यारिंग के विवाद अधिनियम 1947 (1947 का 14) की धारा 10 की उपधारा (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अनुसूची में विनिर्दिष्ट प्रतिष्ठानों को उक्त नियंत्रण में सम्मिलित करती है।

अनुसूची

1. अध्यक्ष, मद्रास सीमाशूलक निकारी और नौपरिवहन अभिकर्त्ता एसोसिएशन मर्केन्टाइल बैंक बिल्डिंग (दूसरी मंजिल), संख्या 16, फर्स्ट लाइन बीच, मद्रास, 600001।
2. मैसर्स एसोसिएटेड, ट्रांसपोर्ट कॉ., संख्या 6, बीराज्वामी स्ट्रीट, मद्रास-13।
3. श्री एम. मुभुस्वामी, 28/2, इस्ट स पण्डालाई कॉलोनी रोड, मद्रास-21।
4. मैसर्स प्रीमियर लेन्स कॉर्प्रेशन, 104/105, आमानियन स्ट्रीट, मद्रास-1।
5. श्री पी. आर. नटेश पिल्लाई, संख्या 42, आदम राहिव स्ट्रीट, रोयापुरम, मद्रास-13।
6. श्री कै. कृष्णामूर्ति, 139, लिंगी चेट्टी स्ट्रीट, मद्रास-1।
7. श्री टी. सुगनेसन, संख्या 7, अधून रोड, मद्रास-13।
8. मैसर्स कै. बालासुन्दररानायागर एण्ड एक्सर्स, 15, जापरसरैंग स्ट्रीट, मद्रास-1।
9. श्री पी. बी. शनमुगासुन्दरम, संख्या 2, जापरसरैंग स्ट्रीट, मद्रास-1।
10. मैसर्स सूगेसन एण्ड कै. प्राइट लि., 22, फर्स्ट लाइन बीच, मद्रास-1।
11. श्री कुर्जेरन, संख्या 50, इस्ट मादा स्ट्रीट, धिरुवनमीयूर, मद्रास-4।
12. मैसर्स गंगावरन ट्रांसपोर्ट्स, 30, कृष्णप्पा ग्रामनी स्ट्रीट, मद्रास-21।
13. मैसर्स एस. पोन्तुच्चामी नाडार एण्ड सस्स, संख्या 174, शाल टॉक्स रोड, मद्रास-1।
14. श्री एम. लक्ष्मनस्वामी, संख्या 7-बी, सुन्दरराया पिल्लाई स्ट्रीट, मिंट पोस्ट, मद्रास-1।
15. मैसर्स ए. एस. वासन एण्ड सन्स, 22, माइमग्ड कॉलोनी, मद्रास-1।
16. मैसर्स मण्डी अहमद बाशा एण्ड सन्स, संख्या 7, ई. कै. गुरु स्ट्रीट, मद्रास-3।
17. मैसर्स एस. श्रीनियासालू, नायडू एण्ड कम्पनी, संख्या 17/20, बी. बी. कॉइल स्ट्रीट, मद्रास-3।
18. मैसर्स एस. आर. एस. संकरा मुद्रालियर एण्ड कम्पनी, 133 मूरे स्ट्रीट, मद्रास-1।
19. मैसर्स सी. टी. अल्वर नायडू एण्ड सन्स, संख्या 1, जापर सरैंग स्ट्रीट, मद्रास-1।
20. मैसर्स राइतन प्राइवेट लि., वैपरी हाई रोड, मद्रास-3।

21. श्री पी. मूर्ति नाइकर, 70-वी., जी. ए. रोड, मद्रास-21।
22. श्री ही. थानाराज, 14/29, न्यू थानावाराया ग्रामनी स्ट्रीट, मद्रास-21।
23. श्री एम. नागापन, 68, थम्बु चेट्टी स्ट्रीट, मद्रास-1।
24. श्री वी. वी. पाकिर मोहम्मद रोधेर, 52-डी, इराक्कानचरी हाई रोड, मद्रास-50।
25. मैसर्स राजू नायगार एण्ड सन्स, 62, पी. वी. कोइल स्ट्रीट, मद्रास-13।
26. मैसर्स कै. रामाब्राह्मम एण्ड सन्स, फर्स्ट लाइन बीच, मद्रास-1।
27. मैसर्स जी. एम. गोविवास एण्ड सन्स 3, कॉडी चेट्टी स्ट्रीट, मद्रास-1।
28. मैसर्स शाहवालेस एण्ड कं., 8/9, थम्बु चेट्टी स्ट्रीट, मद्रास-1।
29. मैसर्स सैंको ट्रांस, 18-वी., पैरमल मुद्राली स्ट्रीट, रोयापेट्टा-आह. मद्रास-14।
30. मैसर्स इंटरनैशनल क्लैरिंग एण्ड शिपिंग एजेन्सी, 312/313, लिंगी चेट्टी स्ट्रीट, मद्रास-1।
31. मैसर्स वी. वी. सैयद मोहम्मद ट्रान्सपोर्ट्स, संख्या 8, सैकेन्ड लाइन बीच, मद्रास-1।
32. मैसर्स एव. एम. रस्तमजी एण्ड कं., 22, सैकेन्ड लाइन बीच, मद्रास-1।
33. श्री कै. अग्रुद्धिगम, वॉडेड वैर हाउस पर कमरा, एंकरगेट, एम. पी. टी., मद्रास-1।
34. मैसर्स वेस्टर्न एजेन्सीज, 3/25-ई, एडवर्ड इलिसअट्स रोड, मिलापुर, मद्रास-4।
35. मैसर्स इंडियन एक्सप्रेस (मद्रास) प्रा. लि., एक्सप्रेस एस्टेट्स, माउन्ट रोड, मद्रास-2।
36. मैसर्स दि हिन्दू, माउंट रोड, मद्रास-2।
37. मैसर्स ओ. हरिहरआह, 260, मिण्ट स्ट्रीट, मद्रास-3।
38. मैसर्स शेरीफ एण्ड सन्स, 34, सैकेन्ड लाइन बीच, मद्रास-1।
39. मैसर्स शेरीफ एण्ड सन्स, 34, सैकेन्ड लाइन बीच, मद्रास-1।
40. मैसर्स साउथ इंडिया कॉर्पोरेशन (एजेन्सीज) प्रा. लि., 99, आर्मीनियन स्ट्रीट, मद्रास-1।
41. मैसर्स वैकटेश इंटरप्राइज, 247-ए, एन. एस. सी. वॉस रोड, मद्रास-1।
42. मैसर्स पी. अरुलस्वामी एण्ड सन्स, 110, कासी गार्डन, रोयापुरम, मद्रास-13।
43. मैसर्स ए. एम. अहमद एण्ड कं., 295, लिंगी चेट्टी स्ट्रीट, मद्रास-1।
44. मैसर्स गी. कै. डोराहस्वामी एण्ड सन्स, 14, जाफरसिरैग स्ट्रीट, मद्रास-1।
45. श्री ए. पी. श्रीनिवासन, 32, नार्थ बीच रोड, मद्रास-1।
46. श्री सी. आर. शनभुगम, 251, थम्बु चेट्टी स्ट्रीट, मद्रास-1।
47. श्री आर. वाराधाराजन, 44/2, न्यू थांडावराया ग्रामनी स्ट्रीट, मद्रास-8।
48. श्री जी. कै. मूर्ति, 24, कंडाप्पा चेट्टी स्ट्रीट, मद्रास-1।
49. मैसर्स मद्रास शिपिंग प्रा. लि., सं. 3, पीरियान्ना मैसर्स स्ट्रीट, मद्रास-1।
50. मैसर्स थालाजी टान्सपोर्ट्स, 113, आदम साहिब स्ट्रीट, रोयापुरम, मद्रास-13।
51. मैसर्स पी. मिट्टुलाल लालाह एण्ड सन्स, 17/2, नेलसन मैनिका मुद्रालियर रोड, अभिनजीकराई, मद्रास-29। (पत्र 18-ई, ब्रॉडवे, मद्रास-1 को भेजा जाय)
52. मैसर्स साउथ इंडिया बौलिंग प्रेस, 243, अंगाप्पा नायकन स्ट्रीट, मद्रास-1।
53. मैसर्स पिलमेन एजेन्ट्स प्रा. लि. 13/14, सैकेन्ड लाइन बीच, मद्रास-1।
54. मैसर्स रैपिड मैस्ट्राइम्स, 308, थम्बु चेट्टी, मद्रास-1।
55. मैसर्स भारत क्लेयरिंग एण्ड शिपिंग एजेन्सी, 11/12, सैकेन्ड लाइन बीच, मद्रास-1।
56. श्री एम. जे. जीवियर, 19, कम्बालम्मन कोइल स्ट्रीट, टार्मीडियार-पेट, मद्रास-8।
57. मैसर्स रैपिड मूर्स सं. 6, लिंगी चेट्टी स्ट्रीट, मद्रास-1।
58. श्री आर. सदासिवन, 26-ए, वी. वी. कोइल स्ट्रीट, मद्रास-3।
59. मैसर्स गार्डनवृद्धौफ एण्ड कं. (मद्रास), प्रा. लि.. फर्स्ट लाइन बीच, मद्रास-1।
60. श्री गी. एल. रामालिंगा रैड्डी, 15, चिन्नाथाम्ब स्ट्रीट, मद्रास-1।
61. मैसर्स मॉहन ट्रान्सपोर्ट, 62, नॉर्थ बीच रोड, मद्रास-1।
62. मैसर्स बंस्ट एण्ड कं. प्राइवेट लि., 13/15, नार्थ बीच रोड, मद्रास-1।
63. मैसर्स इंडिया कं., आर्मीनियन स्ट्रीट, मद्रास-1।
64. मैसर्स एस. नटेसा आयर एण्ड कं., 35/37, थम्बु चेट्टी स्ट्रीट, मद्रास-1।
65. मैसर्स पटेल बोल्कार्ट लि., कॉथारीनक रोड्टर, आर्मीनियन स्ट्रीट, मद्रास-1।
66. मैसर्स फूट कॉर्पोरेशन आफ इंडिया, सं. 6, एरेलाण्ड, मद्रास-1।
67. मैसर्स एस. जी. सम्बद्धम एण्ड कं. 115, लिंगी चेट्टी स्ट्रीट, मद्रास-1।
68. श्री वी. पी. लिंगम, 2/10, 4 लेन, नॉर्थ बीच रोड, मद्रास-1।
69. मैसर्स कॉटेनेंटल ब्लैयरिंग एण्ड शिपिंग एजेन्सी, 8, सैकेन्ड लाइन बीच मद्रास-1।
70. मैसर्स ए. एस. दोराइस्वामी एण्ड सन्स, 379, टी. एस. रोड, मद्रास-2।
71. मैसर्स आई एस. माचावो, 118, आर्मीनियन स्ट्रीट, मद्रास-1।
72. श्री किशोर कमार कोटाइद्या, 445, मिण्ट स्ट्रीट, मद्रास-1।
73. श्री एस. राघव चेट्टीद्यार, मुथुमवी चेट्टी स्ट्रीट, मन्नाड, मद्रास-1।

74. श्री श्री. रामचन्द्रन, 24, कार स्ट्रीट, प्रिप्लयने, मद्रास-5।
 [सं. एल-33011/9/73-पी. एण्ड डी.]
 वी. शंकरालिंगम, अक्षर संचित

ORDER

New Delhi, the 15th December, 1973

S.O. 3638.—Whereas an industrial dispute between the employers in relation to the management of Madras Port Clearing and Forwarding Agents Association, Madras and their workmen was referred to the Industrial Tribunal, Madras by the order of the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 2906, dated the 22nd September, 1973;

And, whereas, the Central Government is of opinion that the said dispute is of such a nature that the establishments specified in the Schedule hereto annexed, are likely to be interested in, or affected by, that dispute;

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby includes in the said reference, the establishments specified in the said Schedule.

SCHEDULE

- (1) The President, the Madras Customs Clearing and Shipping Agents' Association, Mercantile Bank Building (2nd Floor), No. 16, First Line Beach, Madras-600001.
- (2) M/s. Associated Transport Co., No. 6, Veeraswamy Street, Madras-13.
- (3) M/s. Premier Labour Contracts, 104/105, Armenian Street, Madras-1.
- (4) Shri M. Muthuswamy, 28/2, Justice Pandalai Colony Road, Madras-21.
- (5) Shri P. R. Natesa Pillai, No. 42, Adam Sahib Street, Royapuram, Madras-13.
- (6) Shri K. Krishnamurthy, 139, Linghi Chetty Street, Madras-1.
- (7) Shri T. Sugunesan No. 7, Arthoon Road, Madras-13.
- (8) M/s. K. Balasundaranayagar & Bros., 15, Jaffarsyrang Street, Madras-1.
- (9) Shri P. V. Shanmugasundaram, No. 2, Jaffarsyrang Street, Madras-1.
- (10) M/s. Sugesan & Co. Private Ltd., 22, First Line Beach, Madras-1.
- (11) M/s. Gangadaran Transports, 30, Krishnappa Gramani Street, Madras-21.
- (12) Shri Kuberan, No. 50, East Mada Street, Thiruvanmiyur, Madras-41.
- (13) M/s. S. Ponnuswamy Nadar & Sons, No. 174, Wall Tax Road, Madras-1.
- (14) Shri M. Lakshmanaswamy, No. 7-B, Subbaraya Pillai Street, Mint Post, Madras-1.
- (15) M/s. A. S. Vasan & Sons, 22, Mohd. Colony, Madras-1.
- (16) M/s. Mandi Ahamed Basha & Sons, No. 7, E. K. Guru Street, Madras-3.
- (17) M/s. M. Srinivasulu Naidu & Co., No. 17/20, V. V. Koil Street, Madras-3.
- (18) M/s. M. R. S. Sankara Mudaliar & Co., 133, Moore Street, Madras-1.
- (19) M/s. C. T. Alwar Naidu & Sons, No. 1, Jaffar Syrang Street, Madras-1.
- (20) Shri P. Moorthy Naicker, 70-B, G. A. Road, Madras-21.
- (21) M/s. Raitan Private Ltd., Vepery High Road, Madras-3.
- (22) Shri M. Nagappan, 68, Thambu Chetty Street, Madras-1.
- (23) Shri D. Thanaraj, 14/29, New Thandavaraya Gramani Street, Madras-21.
- (24) Shri V. V. Pakir Mohd. Rowther, 52-D, Erukanchery High Road, Madras-50.
- (25) M/s. Rajoo Nayagar & Sons, 63, P. V. Koil Street, Madras-13.
- (26) M/s. K. Ramabrahmam & Sons, First Line Beach, Madras-1.
- (27) M/s. G. M. Govias & Sons, 3, Kondi Chetty Street, Madras-1.
- (28) M/s. Shaw Wallace & Co., 8/9, Thambu Chetty Street, Madras-1.
- (29) M/s. Sanco Trans, 19-B, Perumal Mudali Street, Royapettah, Madras-14.
- (30) M/s. International Clearing & Shipping Agency, 312/313, Linghi Chetty Street, Madras-1.
- (31) M/s. V. V. Syed Mohd. Transports, No. 8, Second Line Beach, Madras-1.
- (32) M/s. H. M. Rustomjee & Co., 22, Second Line Beach, Madras-1.
- (33) Shri K. Arumugam, Room at Bonded Ware House, Anchor Gate, M. P. T., Madras-1.
- (34) M/s. Western Agencies, 3/25-E, Edward Elliots Road, Mylapore, Madras-4.
- (35) M/s. The Hindu, Mount Road, Madras-2.
- (36) M/s. Indian Express (Madurai) Private Ltd., Express Estates, Mount Road, Madras-2.
- (37) M/s. O. Harihariah, 260, Mint Street, Madras-3.
- (38) M/s. Sheriff & Sons, 34, Second Line Beach, Madras-1.
- (39) M/s. South Indian Corporation (Agencies) Private Ltd., 99, Armenian Street, Madras-1.
- (40) M/s. Venkatesh Enterprises, 247-A, N. S. C. Bose Road, Madras-1.
- (41) M/s. P. Arulswamy & Sons, 110, Kasi Garden, Royapuram, Madras-13.
- (42) M/s. A. M. Ahamed & Co., 295, Linghi Chetty Street, Madras-1.
- (43) M/s. V. K. Doraiswamy & Sons, 14, Jaffarsyrang Street, Madras-1.
- (44) Shri A. P. Srinivasan, 32, North Beach Road, Madras-1.
- (45) Shri C. R. Shanmugam, 251, Thambuchetty Street, Madras-1.
- (46) Shri R. Varadarajan, 44/2, New Thandavaraya Gramani Street, Madras-81.
- (47) Shri G. K. Murty, 24, Kandappa Chetty Street, Madras-1.

- (48) M/s. Madras Shipping Private Ltd.,
No. 3, Perianna Maistri Street, Madras-1.
- (49) M/s. Balaji Transports,
113, Adam Sahib Street, Royapuram, Madras-13.
- (50) M/s. P. Mittulal Lalah & Sons, 17/2, Nelson
Manicka Mudaliar Road, Aminjikarai, Madras-29.
(Communications to be sent to 18-E, Broadway,
Madras-1.)
- (51) M/s. South Indian Baling Press,
243, Angappa Naicken Street, Madras-1.
- (52) M/s. Pilmen Agents Private Ltd.,
13/14, Second Line Beach, Madras-1.
- (53) M/s. Rapid Maritimes,
308, Thambuchetty Street, Madras-1.
- (54) Shri M. J. Xavier,
19, Kumbalamman Koll Street, Tondiarpet,
Madras-81.
- (55) M/s. Bharat Clearing & Shipping Agency,
11/12, Second Line Beach, Madras-1.
- (56) M/s. Rapid Movers, No. 6, Linghi Chetty Street,
Madras-1.
- (57) Shri R. Sadasivan, 26-A, V. V. Koil Street,
Madras-3.
- (58) M/s. Gordon Woodroffe & Co. (Madras) Private
Ltd., First Line Beach, Madras-1.
- (59) Shri B. L. Ramalinga Reddy, 15, Chinnathambi
Street, Madras-1.
- (60) M/s. Modern Transport, 62, North Beach Road,
Madras-1.
- (61) M/s. Best & Co. Private Ltd.,
13/15, North Beach Road, Madras-1.
- (62) Messrs. India Co., Armenian Street, Madras-1.
- (63) Messrs. S. Natesa Iyer & Co.,
35/37, Thambu Chetty Street, Madras-1.
- (64) Messrs. Patel Volkart Ltd., Cathelic Centre,
Armenian Street, Madras-1.
- (65) Messrs. Food Corporation of India,
No. 6, Esplanade, Madras-1.
- (66) Messrs. S. G. Sambandam & Co.,
115, Linghi Chetty Street, Madras-1.
- (67) M/s. Continental Clearing & Shipping Agency,
8, Second Line Beach, Madras-1.
- (68) Shri V. P. Lingam, 2/10, IV Lane, North Beach
Road, Madras-1.
- (69) M/s. A. S. Duraiswamy & Son, 379, T. H. Road,
Madras-21.
- (70) M/s. I. S. Machado, 118, Armenian Street,
Madras-1.
- (71) Shri Kishore Kumar Kotadia, 445, Mint Street,
Madras-1.
- (72) Shri S. Raghava Chettiar,
Muthumavi Chetty Street, Mannady, Madras-1.
- (73) Shri V. Ramachandran, 24, Car Street, Triplicane,
Madras-5.

[No. L-33011/9/73-P&D]

V. SANKARALINGAM, Under Secy.

नव्वे दिल्ली, 15 दिसम्बर, 1973

शृंखला पत्र

का. आ. 3639.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2,) तारीख 28 अक्टूबर, 1972 के पृष्ठ 4873 पर प्रकाशित भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना की पांचवीं पंक्ति में “अरविन्दकशन” के स्थान पर “अरविन्दकाशन” पढ़े।

[संख्या स-12015(5)/72-पी. एफ. 1]

New Delhi, the 15th December, 1973

CORRIGENDUM

S.O. 3639.—In the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3389, dated the 15th September, 1972, published at page 4873 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 28th October, 1972, in line 5 of the notification for 'Aravindasan' read 'Aravindakshan'.

[No. A-12015 (5)/72-PF. 1]

नव्वे दिल्ली, 17 दिसम्बर, 1973

का. आ. 3640.—कर्मचारी भविष्य निरीक्षण पेशन निरीक्षण अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संलया का. आ. 401 तारीख 25 जनवरी, 1973 को अधिकारित करते हुए कन्नदीय सरकार श्री वी. ए. लक्ष्मीपाल को उक्त अधिनियम और उनके अधीन विवरित किसी स्कीम और कटुप्रबंध पेशन स्कीम के प्रयोजनों के लिए कन्नदीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, लान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के सम्बन्ध में या ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण सीमित नाड़ी राज्य के लिए निरीक्षक नियुक्त करती है।

[संख्या स-12015(1)/70-पी. एफ. 1]

बलजीत सिंह, अवर सचिव

New Delhi, the 17th December, 1973

S.O. 3640.—In exercise of the powers conferred by subsection (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 401 dated the 25th January, 1973, the Central Government hereby appoints Shri V. A. Lakshmipathy to be an Inspector for the whole of the State of Tamil Nadu for the purposes of the said Act, and the Scheme and the family pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12015/1/70-PF. 1]

DALJIT SINGH, Under Secy.

